

Crump of Austin, a committee on the part of the House, to act in conjunction with a like committee on the part of the Senate, to wait upon the Governor and inform him that both Houses of the Legislature were organized and ready to receive any communication he might wish to make to them.

Mr. Robertson offered the following resolution:

Resolved, That the rules that governed the last session of the Senate, and the joint rules of the two Houses at the last session be adopted as the rules of the Senate this session, which was, on motion of Mr. Gage, laid on the table one day.

The committee appointed on the part of the Senate to act in conjunction with a like committee on the part of the House to wait on the Governor and inform him of the organization of the two Houses, and their readiness to receive any communication he might wish to make to them, reported that they had performed that duty, and that the Governor would deliver a message to them on to-morrow at 3 o'clock.

On motion of Mr. McRae, the Senate adjourned until 10 o'clock, to-morrow morning.

TUESDAY, 10 O'CLOCK A. M., November 6, 1849.

The Senate was called to order by the President.

The following Senators answered to their names:

Messrs. Brashear, Cooke, Grimes, Gage, Hart, Jones, Latimer, Moffett, McRae, Parker, Portis, Robertson, Taylor, Truit, Van Derlip, Walker and Wallace; quorum present.

The journals of the preceding day were read and adopted.

The following communication from Mr. J. B. Hickey was read:

AUSTIN, November 6, 1849.

Hon. J. A. GREER, President of the Senate:

Sir, Having maturely considered my position in reference to the qualification necessary on entering upon the discharge of the duties of Engrossing Clerk of the Senate, I have decided to decline taking the prescribed oath, and request that you will inform your honorable body of my determination, in order that they may elect another. At the same time, if it will not be amiss, be pleased to express to the Senate my thanks for the honor conferred upon me in my election.

I have the honor to be, with high respect,

Your obedient servant,

J. B. HICKEY.

On motion of Mr. Gage, the Senate proceeded to the election of an Engrossing Clerk.

Mr. Gage nominated Mr. William T. Cake.

" Grimes " " John W. Moody.

Messrs. Robertson and Portis were appointed tellers.

The ballot being taken, Mr. Cake received thirteen votes.

" Moody " four " "

Mr. Cake having received a majority of all the votes, was declared duly and constitutionally elected Engrossing Clerk of the Senate, and came forward and took the oath of office.

Mr. Wallace offered the following resolution :

Resolved, That the "act concerning crimes and punishments," approved 20th March, 1848, be, and the same is referred to a select committee of five, with directions to propose such amendments and additions to the same, as in their opinion the situation and circumstances of the country require ; adopted.

The Senate proceeded to the

ORDERS OF THE DAY.

The resolution offered by Mr. Robertson on yesterday relative to the adoption of the rules of the last Senate, was read.

Mr. Portis moved to amend by inserting the words "on the part of the Senate" after the word "adopted ;" carried.

Mr. Jones moved to amend by striking out all that referred to the joint rules of both Houses ; carried.

The resolution as amended was adopted.

A bill to be entitled an act to incorporate the Austin College ; read second time.

Mr. Grimes offered the following amendment to the 12th section :

"Provided, also, That if a trustee when present, should enter his protest in writing within one day, he shall not be liable, or if absent, should make known his dissent to the President in thirty days."

On motion of Mr. Robertson, the bill and amendment were referred to the committee on Education.

The President announced the following standing committees, to wit :

Committee on the Judiciary :—Messrs. Phillips, Jones, Wallace, Portis and Van Derlip.

Committee on Finance :—Messrs. Grimes, Latimer, Ward, Davis and McRae.

Committee on Indian Affairs :—Messrs. Kinney, Gage, Burleson, Parker and Truit.

Committee on Public Lands :—Messrs. Latimer, Moffett, Walker, Grimes, and Kinney.

Committee on Internal Improvements :—Messrs. Jones, Latimer, Walker, Van Derlip and Brashear.

Committee on County Boundaries :—Messrs. Gage, Cooke, Hart, Taylor and Davis.

Committee on Privileges and Elections :—Messrs. Gage, Wallace, Walker, Van Derlip and Robertson.

Committee on Claims and Accounts :—Messrs. Cooke, Burleson, Phillips, Hart and Ward.

Committee on Education :—Messrs. Portis, Jones, Cooke, Phillips and Robertson.

Committee on Engrossed Bills :—Messrs. Moffett, Taylor and Parker.

Committee on Enrolled Bills :—Messrs. Wallace, Ward and Van Derlip.

Committee on Printing and Contingent Expenses :—Messrs. McRae, Gage and Davis.

Committee on Private Land Claims :—Messrs. Robertson, Truit, Hart and Parker.

Committee on Roads, Bridges and Ferries :—Messrs. Taylor, Brashear and McRae.

Committee on the Penitentiary :—Messrs. Parker, Wallace, Burleson, Robertson and Grimes.

The President announced to the Senate that he had received through the Post Office, documents purporting to be election returns for Senator of the 11th Senatorial District, which were,

On motion of Mr. Parker, referred to the committee on Privileges and Elections.

The President also announced to the Senate that he had received through the same medium, four packages containing documents relating to the contested election of Senator for the 11th Senatorial District, which were, on motion of Mr. Brashear, referred to the committee on Privileges and Elections.

On motion of Mr. Truit, the petition of Mr. Pense, which was read and laid on the table yesterday, was taken up and referred to the same committee.

Mr. McRae presented the petition of David S. Kaufman and Jane B. Kaufman, praying that the name of their son, Daniel Richardson Kaufman, be changed to Daniel Kaufman Richardson, which,

On motion of Mr. McRae, was referred to the committee on the Judiciary.

On motion of Mr. Taylor, the Senate adjourned until half-past two o'clock, p. m.

HALF-PAST 2 O'CLOCK, P. M.

Senate met, roll called, quorum present.

A committee from the House of Representatives invited the Senate to meet the House in the Representative Hall at 3 o'clock, to-day, for the purpose of hearing the message of the Governor read.

Mr. Wallace offered the following resolution :

Resolved, That the committee on Contingent Expenses be instructed to make arrangements to pay the Post Master out of the Contingent fund, for the use of the Senate, the postage on any and all newspapers and public documents, on which postage is required by law to be paid, which may be sent through the Post Office by the members of the Senate, during the present session ; adopted.

On motion of Mr. Parker, the Senate took recess for ten minutes.

The recess having expired, the Senate was called to order ; quorum present.

Mr. Portis moved that a committee be appointed to inform the House of Representatives, that the Senate accept the invitation of the House to meet them at 3 o'clock, for the purpose of hearing the message of the Governor read ; carried.

Messrs. Portis, Truit and Latimer were appointed said committee, who retired and performed said duty.

The Senate repaired to the House of Representatives ; roll called and a quorum present.

The Message of His Excellency the Governor was read, and is as follows :

EXECUTIVE OFFICE, }
Austin, Nov. 6, 1849. }

Gentlemen of the Senate and

House of Representatives :

The time has arrived when it is rendered the duty of the Executive of the State to present to your Honorable body such information, in relation to the state of the Government, and recommend to their consideration such measures as he may deem expedient. I now proceed to discharge the obligation which the nature of that duty imposes.

Since the adjournment of the last Legislature, the war, then existing with Mexico, has been prosecuted to an honorable and glorious termination, and I am happy in being able to congratulate the State and Nation upon the circumstance that we are in the enjoyment of peace and a good understanding with all the

rest of the world, and eminently prosperous in all the employments of life at home.

Our Government, no longer an experiment, is harmoniously performing its appointed functions, and every day furnishing the world accumulated evidences of its adaptability to the improved social and moral condition of our race, demonstrating the long controverted truth, that a people are capable of being a Government.

Within a year we have witnessed the quiet, peaceful and dignified transfer of power from one hand to another by the silent but potent agency of the law. But wheresoever else we cast our eyes over the broad surface of the world, every fundamental change of Government, every transfer of power is wrought by the sword in the heat and frenzy of revolutionary tumult, where reason is unheard, justice disregarded, and the power of mind humbled before the power of arms. What abundant cause have we then to congratulate ourselves upon the blessings which we enjoy, and with what grateful sentiments should we cherish the memory of those great and good men who achieved our liberty and framed for us a Constitution, which confers greatness on the nation and secures enlightened freedom to its children. But chiefly to Him, "whose goodness endureth forever," under whose protection alone is safety, under whose favor alone is happiness, should we accord humble thanks and reverential gratitude; and by meriting secure a continuance of that protection and the comfort of that favor.

With as little delay as possible, after the adjournment of the last Legislature, three gentlemen were appointed by me as Commissioners, to select a site whereon to erect a State Penitentiary under the provision of an act approved March 14, 1848. They selected a site near the town of Huntsville, which was purchased by the State together with one hundred acres of timbered land conveniently situated. The Directors, contemplated by law, were then appointed, who, together with the Superintendent, submitted a plan of the building which was approved of by me, and is on file in the office of the Secretary of State, as required by law. The Superintendent at once prepared for the erection of the building upon the plan approved, and on the site selected. I herewith transmit the report of the Directors, shewing the progress which has been made, the plan of the building, outlay, and estimates.

In accordance with the provisions of an act, approved 20th March, 1848, "to secure to the colonists of Fisher's & Miller's colony the lands to which they may be entitled," I appointed a

Commissioner who immediately opened an office for receiving applications and hearing proof. A much smaller number than was anticipated availed themselves of the benefits of this law, certificates having been issued to only some fourteen hundred colonists. I would respectfully recommend to the Legislature to pass a similar law for the benefit of the settlers in the colonies of Mercer and Peters.

These colonists, introduced into the country under the sanction of law, and under the terms of a contract solemnized by the late Republic of Texas, improvidently and illegally it may be, are, nevertheless, entitled to the land assured to them by the ordinance of September, 1845. The condition in which they stand at present, in reference to their land titles, necessarily induces a sense of insecurity, above all things most calculated to depress the spirit of industry and enterprise, and it behoves the Legislature, with as little delay as possible, to provide a proper mode of extending to them their titles.

During the past summer the fact was communicated to me by representations and petitions, numerous and respectably signed by citizens residing at Corpus Christi and along the Rio Grande, that this section of the State was invaded by large bodies of hostile and predatory Indians. The forces of the United States, stationed in the neighborhood, proved themselves wholly inadequate for the protection of our citizens. Under these circumstances, I felt it my duty to authorize to be raised, for the purpose of extending to my suffering fellow-citizens the utmost protection in my power, two companies of mounted volunteers, which performed a term of duty. I recommend an appropriation of a sum sufficient to cover their pay and subsistence. This sum it will be the duty of the United States to refund, and it would, perhaps, be well to verify the necessity and propriety of the expenditure by a resolution calling on them to do so.

In my first message to the Legislature, I alluded to efforts which were then being made to sustain a class of land claims known to be fraudulent. Suits had been instituted and were pending in the Courts to enforce against the State the most stupendous scheme of fraud which was ever perpetrated, and had they resulted adversely to the interest of the State, the consequence would have been hopeless bankruptcy.

I congratulate the State in having escaped an evil of such disastrous magnitude. The Supreme Court of the State has in two cases decided against their validity. And in this connexion I feel called upon to express to the Legislature how high a degree of satisfaction is felt by the Executive of the State at the zeal, fidelity and ability with which the Attorney General discharged his

duty in these cases, as well as in others of great magnitude, in which the rights of the State were involved, and in all of which, where final decisions have been made, the results have been similar.

The perpetrators of this fraud, however, resolved to exhaust every means and expend every effort to attain their ends, have appealed to the Supreme Court of the United States, where the cause is now pending for trial. In obedience to the requirement of an act, approved 20th March, 1848, I have contracted with and employed John W. Harris, Esq., to represent the interest of the State of Texas in that case, and in such others as may be now pending in that Court, for the sum of two thousand dollars and his necessary expenses.

In discharge of the duties imposed on him by law, Judge Baird repaired to Santa Fé to effect the organization of that county and the eleventh judicial district under the Constitution and laws of this State. I regret that I am unable to express to the Legislature my satisfaction at the result of his efforts so far as they are ascertained. No full report has been received from Judge Baird of the precise nature and extent of the obstacles which interposed to prevent his success; but it is enough to know that the authorities of the General Government, exercising military and civil jurisdiction in Santa Fé, not only refused to support him in carrying out the provisions of the Act approved March 15, 1848, but assumed to be, and continued, and yet continue, to act as the only legitimate representatives and administrators of the law in that territory, and announced their determination to maintain their authority at all hazards.

It remains for me then only to communicate the fact to your Honorable body that there can now exist no doubt that the General Government declines to recognize the right of Texas to the territory in which Santa Fé is situated, but has assumed and maintains the attitude of an adverse claimant. Two several communications, upon this subject, were addressed by me to the late President of the United States, one dated on the 23d March, 1848, covering the resolutions of the Legislature, approved March 20, 1848, and requesting him, as directed by the 3d section of those resolutions, "to issue orders to the military officers stationed in Santa Fé to aid the officers of Texas in organizing the county of Santa Fé and the eleventh judicial district of the State of Texas, and in enforcing the laws of this State, if it should be necessary to call upon said officers to put down any resistance to the laws of Texas." The other dated Oct. 6, 1848, defining our claim and presenting at some length the grounds upon which it

that claim was based. Copies of both these communications are herewith transmitted.

To neither of these, however, was any response ever made; and although, as you will perceive, by the latter of these communications, I urged upon the General Government the importance and necessity of some final and authoritative disposition of this question, yet that Government has neither defined its position, nor furnished this State with its views of the question, and it remains in precisely the same condition in which it was when the last Legislature adjourned.

A communication was also addressed to President Taylor, in June last, reiterating the request made in my first to his predecessor, accompanied with a request that an answer be made in order to enable me to lay before the Legislature of this State his determination upon the subject. To this no response has yet been made. Should the United States persist in her claim to this territory, the circumstance that it has the possession places it in a position of great advantage with reference to Texas, although that possession be the only essential ingredient of title which it possesses, and imposes upon you the necessity of adopting energetic and efficient measures to protect the rights of your State and acquit herself of what is due to her dignity and honor.

The bare denial of justice involved in an attempt to wrest from us this portion of our State is reproach enough; to succeed in that attempt would be a reproach still deeper; and for Texas passively to submit to such despoilment, would be the deepest reproach of all.

Under these circumstances, it is for your Honorable body to consider and determine the course to be adopted by the State. It is folly to suppose that we can now legislate ourselves into our rightful jurisdiction over this portion of our territory. An effort to do so has already signally failed. It is a question with which there should be no temporizing, for the sooner the issue is made, the sooner will the question be adjusted.

I would therefore recommend that ample power be conferred on the Executive of the State, and ample means be placed at his disposal, and that it be expressly required of him to raise the proper issue and contest it, not by demonstrating in argument the justness of our claim, nor by reference to our statutes, but with the whole power and resources of the State. The result of any legislation short of this will be as barren and profitless as that which I regret it to be my duty to communicate. It might not be unwise to dispatch a commissioner to Washington city to acquaint the Federal Government with such determination as the State may adopt, to the end that another and fair opportunity be afforded it to render us justice.

As a consequence of the extension of our laws over the territory north and west of our present settlement, the necessity will arise of facilitating the means of intercourse between the extreme points of our State. To accomplish this object, I would respectfully suggest the propriety of having surveyed and opened a good road from the capital of the State to Santa Fe. Such a road pursuing a practicable route in a generally N. W. direction, say from this point, might, in addition to its importance to the State, be made equally so to the General Government, were it to establish along this road a line of posts, and remove all the Indians to the east of it, and compel them to remain there; for by so doing, protection would be given to the whole valley of the Rio Grande, and as a matter of course to the frontier of Mexico, which, by treaty, it is bound to protect against the Indians residing within its borders. This done and our present temporary line on the north removed and established, say one hundred and fifty miles above where it now is, an extensive tract of valuable land would be opened to settlement, and our frontier fully protected.

This road, although it cannot be supposed that it would afford great facilities for the development of the resources of that part of our State, would, nevertheless, render them far greater than any which exists at present. I would, therefore, recommend that the Legislature adopt such measures for the prosecution and attainment of this end as may be least embarrassing to the resources of the State; but at the same time the most certain to insure its accomplishment.

The subject of our public debt is one of great importance, and in our situation so difficult as to forbid the hope that any action which may be taken upon the subject, will be satisfactory to all parties, unless the United States should purchase a portion of our domain.

The time within which the holders of our public liabilities are required to present them, will not have expired until the second Monday of this month, consequently the Auditor and Comptroller will be unable to report fully until some time after that day. So soon as their report is made, I will lose no time in laying it before you.

Our only resource for the payment of this debt is our public domain: a wise and prudent disposition of which, however, at fair rates will not only relieve the State from debt, but make her one of the richest in the Union. It is for the Legislature to consider and determine the most judicious plan to be adopted to consummate without unreasonable sacrifice so desirable an object as the payment of our public debt.

A large portion of our public domain lies remote from, and is

inconveniently situated, with reference to the present settled and organized portion of our State, and in consequence is rendered of far less value and importance to the State than it is intrinsically worth. This territory would seem to be of great value and importance to the United States, viewed with reference to the purposes which it would serve that Government in there settling her Indians, and in acquiring a complete jurisdiction over all her Indian relations now rendered so difficult and complicated by the fact that it has no jurisdiction over the soil. If, therefore, the United States Government should be disposed to purchase this territory for a fair consideration, I should conceive it to be the interest of the State so to dispose of it. And I would recommend that the Executive of the State be authorized to entertain any proposition, in reference thereto, which the Federal Government may think proper to make, within a reasonable time, and enter into such provisional arrangement as may be deemed advisable, subject to the ratification of the Legislature of the State. In the event that no arrangement is made of this kind, it would be well for the Legislature to provide, with reference to its failure.

The State has no disposition to evade the payment of her debt, and would sacrifice much rather than that history should record such a reproach against her. Nevertheless, it is not to be expected, nor is it our duty to sacrifice too much to this end. The only fund, to which reasonable men ever looked for the payment of this debt, was her public lands. To have expected twenty thousand tax-payers to discharge it from taxation on their industry and wealth was an absurdity too gross ever to have been entertained.

It is conceived then that if Texas makes proper provision by which the holders of her debt can convert it into land at fair rates, the State will not have failed in furnishing to the world the highest evidence of her disposition to pay it.

Should this mode of extinguishing our debt be adopted, it will be the duty of the State to see that the Indians now in the possession of a large portion of her public lands be removed far enough above the present temporary line to enable our creditors to avail themselves of our offer, for under present circumstances any attempt individually to appropriate this land would be attended with risk and danger far greater than any prudent man would willingly encounter.

They, who are invited to accept our land, should be enabled to acquire it without risk and enjoy without danger.

As subsidiary to the proposed mode of paying our debt, I would suggest that the Legislature request the Federal Government to

remove the present temporary line between our settlements and the Indians, and establish it at least one hundred and fifty miles above where it now runs, and in the event of its failure or refusal to do so in a reasonable time, to confer upon the Executive of the State the power, and provide the means to enable him to effect it. This done, we could offer without a blush to our creditors an opportunity to convert their demands into land at fair rates. I would then, in the event the United States does not offer to purchase, recommend that certificates in quantities of six hundred and forty and three hundred and twenty acres be issued to the holders of this debt who may be willing to receive them at rates not under fifty cents per acre, to be fixed by the Legislature, the claims of those unwilling to this arrangement, to be paid hereafter at the pleasure of the State. And it would be well to provide that the certificates so issued, as well as all other certificates for land issued by the State and the late Republic, should be surveyed and patented, within some reasonable specified time, in order that the State might not be too long burthened with the heavy expense incident to keeping open her land office.

An act was passed, on the 7th May, 1846, to authorize the Governor to procure and have set up, for the benefit of the several counties of the State, a full set of weights and measures, &c. The Chief Justices of several counties have written to the Executive, asking to be provided with a copy of these for their counties, in accordance with this law. In consequence, however, of no appropriation having been made to enable the Executive to carry this law into effect, it has remained a dead letter on our statute book. The United States Government forwarded to this State a full set of weights and measures, but when they were about being set up, in pursuance of my direction, at Galveston, they were found to be in an unfit condition for use. I am advised, however, that with a small outlay they can be repaired.

A joint resolution, proposing an amendment to the constitution of the State of Texas, approved March 14, 1848, was, after being duly published in the public prints of the State, at the last general election, submitted to the people as required by the constitution, and as will be seen by the report of the Secretary of State, a very large majority of all the citizens of the State, voting for representatives, voted in favor of the proposed amendment.

I herewith transmit the several reports of the Attorney General, Secretary of State, Commissioner of the General Land Office and Adjutant General. To the statements and suggestions contained in each I invite the attention of the Legislature.

From the fact that the fiscal year expired on the 1st November, only a few days ago, it was impossible for the Comptroller of Public Accounts and the Treasurer to make their reports in time to accompany this communication. So soon as they are made, I will communicate them to the Legislature with such views upon the subject of taxation as may have suggested themselves to my mind in witnessing the operation of the present system.

I deem it of high importance that a more safe depository of the papers of the General Land Office should be provided than the present; so soon as the seat of Government is established; and to that end recommend that an appropriation be made to erect a fire proof building for that purpose. The present insecurity and exposure to destruction of these important records forcibly suggests the necessity of making arrangements at as early a period as possible for their safe keeping.

I would, also, recommend to the Legislature a division of the Supreme Court, so as to hold a session in the East, in the Middle, and in the West. The administration of justice should not only be prompt, but the means to secure her aid should be accessible and convenient to all. The present arrangement, in regard to the Supreme Court by which litigants are subjected to the expense and inconvenience of traveling, in some instances four or five hundred miles to prosecute their rights in the Supreme Court, is unsatisfactory to the citizens of the State, and they look to the Legislature and have a right to expect that the inconvenience will be remedied.

In my first message I called the attention of the Legislature to the fact that Congress had made an appropriation to build light houses upon Galveston and Matagorda Islands, and to the necessity of passing a law ceding jurisdiction to the General Government over such necessary ground as it might purchase for the purpose. The Legislature not having attended to this matter, the work has, in consequence, been suspended.

It will, also, be necessary to pass an act extending the laws of Texas over the one half of the waters of Sabine Pass, Sabine Lake and Sabine River up to the thirty-second degree of North latitude.

It will become your duty, under the 29th section of the third article of the constitution, to fix the number of Senators and Representatives and apportion them among the several counties, according to the number of our free white population, ascertained and reported, according to law.

The heirs of many of those unfortunate men who fell with Fannin and Ward and at the Alamo, have never received the

head-right certificates to which by law they were entitled, owing to the fact, in some cases, that they were ignorant of their rights and in others to inability to make proof required by law. At the last session of the Legislature, an act was passed by which they were enabled to obtain their land on the certificates of the Adjutant General, that the persons, in right of whom the certificate is claimed appeared from the records of his office to have belonged to either of these commands. At the same session, however, the 11th section of an act to detect fraudulent land certificates, &c., approved Feb. 4, 1841, was repealed; in consequence of which there exists no tribunal to which they can resort for the attainment of their rights. I would recommend that the Legislature provide a method by which such persons may secure their rights.

The quota of arms, which the State of Texas is entitled to receive, has been forwarded to Galveston by the U. S. Government. There is no proper place provided by law for their safe keeping, and I would respectfully call the attention of the Legislature to the fact, and suggest that suitable provision be made.

The constitution of our State enjoins upon the Legislature the duty of making suitable provision, as early as practicable, for the support and maintenance of free public schools. It also expressly sets apart and reserves for this purpose, one-tenth of the annual revenue accruing from taxation. The amount of this fund in the Treasury on the first day of this month, was \$25,503 82. It will require no labored discussion to impress upon your minds the importance of education. The framers of our State Constitution wisely declared that a general diffusion of knowledge is essential to the preservation of the rights and liberties of the people. No truth is more fully verified by all history. Nations, however powerful in numbers and physical resources, can never hope to achieve or perpetuate moral and political freedom where ignorance prevails. The vitality of republican forms of government especially, resides in the intelligence of the masses. An enlightened people will be neither the dupes nor the victims of corrupt political leaders. How immeasurably important, then, it is for us to give early attention to the mental and moral improvement of the generation growing up among us.—Let some just and feasible plan be adopted, to apply the means now in the Treasury of the State to this object, so as to produce the greatest good to the greatest number. There is, it is true, not sufficient to establish and maintain a school in every neighborhood. It may, however, be so distributed, under careful and competent supervision, as to aid the efforts of individuals, and go

far in this way to encourage the cause of education. If it be permitted to lie in the Treasury until it be sufficient to support public schools throughout the State, it will be useless for many years. In the meantime, those who are now children will have grown up to be men and citizens, and many of them, perhaps, without being able to read the tickets which they place in the ballot-box. The consequences of such a result will not only be discreditable to those who at this day are the guardians of the public weal, but equally unfortunate in their effects upon general society. Vice and crime, and a slavish subserviency to dictation, are the usual concomitants of ignorance. Let us arrest this state of things by timely action. Justice demands that the taxes paid by the present population of the State, for education, should be devoted to that object without unnecessary delay. To hoard them for the benefit of the next generation would be as manifestly unfair as it would, in my opinion, be unwise. The means at our disposal will do something for the cause of education, if judiciously applied. Let this be done at once, and there will be some security that the advantages thus conferred upon the present generation will yield abundant blessings upon the next.

I would recommend that the proper steps be taken to ascertain the present situation, in respect to location and survey, of the various grants of land heretofore made for purposes of education. It appears, from an examination of the acts of the Congress of the late Republic, that the number of acres thus appropriated out of the public domain, is 1,731,348; of which, 1,393,248 are general, and 332,100 acres special grants. I adhere to the opinion expressed in my first message, that it would be judicious to dispose of these lands, and bring the proceeds into a general school fund. The experience of other States justifies the belief that the system of leasing or renting them is not to be preferred. In Texas many years must elapse, and one or two generations pass away, before they would produce any thing to aid the cause of education. I would therefore suggest, that the constitution be so altered as to bring these lands into market under proper regulations; and that the money derived from their sale be invested in safe and productive stock. The annual income from this source would probably be greater than the annual increase in the value of the lands; and some of the advantages of this rich inheritance secured to them by the labors and valor of their fathers, be enjoyed by their children.

I deeply regret that I am unable to communicate any abatement of the efforts of the abolitionists at the North to agitate the question of slavery. It is respectfully conceived, that there has

been already too much said upon this subject—one not admitted by the South to be debateable,—for we cannot view it as a question involving merely the continuance or abolition of slavery. Their interference involves other and far more serious consequences; for its tendency is to foment and encourage servile insurrection—the conflagration of our homes—the murder of our wives and children. Violent and inflammatory resolutions upon the subject have only the effect of exacerbating the feelings of our opponents already so intensely malignant, and to accelerate a crisis which every lover of his country should desire to avert. The danger which threatens the South is a common one, and it behoves them to make common cause against it; and when the emergency arrives, she has true sons enough whom temptation cannot seduce nor danger appal, to protect alike her rights and the Union. A formidable party, too, in the Congress of the United States, are strenuously endeavoring, on every occasion that is presented, to apply the principles of the Wilmot Proviso to all the territory acquired from Mexico. Were they to succeed, the effect would be to exclude the South from a fair participation in the fruits of a conquest achieved chiefly by the valor of her sons. In reference to this territory, we ask nothing which is not secured to us by the guaranties of the Constitution. Under them there is but one American citizenship, and that forbids the idea of any restraint upon his personal movements within the limits of the nation. It involves an ubiquity of privileges—the freedom of commercial intercourse and the right to carry his person, his opinions, and his property, to all the possessions of the Union; and if these rights be not sacred, our constitution is but little better than a parchment.

GEO. T. WOOD.

Governor Wood to President Polk.

EXECUTIVE DEPARTMENT, Austin, March 23, 1848.

*To his Excellency JAMES K. POLK,**President of the United States :*

Sir,—The Legislature of the State of Texas, at its session just closed, passed laws to organize into a county the territory of Santa Fé, and to establish therein a Judicial District ; and as rumors have reached this State of an attempt to establish there a separate government, it is apprehended that impediments may be thrown in the way of the contemplated organization. In view of such a contingency, the Legislature of Texas made it the duty of the Executive, by the enclosed Joint Resolution, to request your Excellency to issue orders to the military officers stationed in Santa Fé to aid the officers of Texas in organizing the county of Santa Fé, and the Eleventh Judicial District of the State of Texas, and in enforcing the laws of this State, if it should be necessary to call upon said officers of the United States to put down any resistance to the laws of Texas.

I have the honor, therefore, to request that your Excellency will issue to the military officers of the United States stationed in Santa Fé, orders conformable to the views of the enclosed Joint Resolution, and to the end that the State of Texas may, in no wise, be embarrassed in the exercise of her rightful jurisdiction over that territory.

I have the honor to be, with high consideration,

Your Excellency's obedient servant,

GEO. T. WOOD.

TEXAS STATE LIBRARY

Austin, Texas

Governor Wood to President Polk.

EXECUTIVE OFFICE, Austin, Oct. 6th, 1848.

To his Excellency, JAMES K. POLK,

President of the United States:

Sir,—The people of Texas have observed with much surprise the manifestation of a disposition on the part of some of the public men of the Union, to deprive them of a large and valuable portion of their territory, by prescribing for this State new and hitherto unrecognized boundaries; and their mortification is even greater than their surprise, at the disregard of right and the violation of faith involved in this attempt.

That a certain boundary was determined upon and clearly defined and prescribed as such by the legitimate authority in Texas, is admitted on all hands; and that this same boundary was recognized by the Federal Government by the most solemn acts, and on more than one occasion, is capable of recorded proof.

From the very dawn of our revolution, equally amidst the disasters and triumphs of our arms in its progress, the Rio Grande, from its source to its mouth, was insisted on as our western boundary; and in the darkest hour of that unequal struggle, a spirit so craven was not to be found in our ranks, who would have been satisfied with less. So universal and radical was this sentiment, that to have receded from this boundary, would have been regarded as scarcely less inglorious than to have compromised the very principles of the revolution itself.

To have obtained peace and independence with such a boundary as that which is sought in some quarters to be foisted upon them, would have been regarded at any period of their separate existence, as a victory without honor, and a triumph without glory.

At the first session of our Congress, "an act defining the boundary of Texas" was passed, declaring our boundary as commencing in the Gulf of Mexico three leagues from land, to the mouth of the Rio Grande, thence up the principal stream of said river to its source, thence due north to the 42d degree of north latitude.

This then was our only boundary—our rightful, because our lawful one, and continued so without modification or abatement up to the period of the adoption of the annexation resolutions and the constitution of the State; and then, if affected at all, only to be reassured by the first, and reasserted by the latter. The laws and institutions of a nation constitute her political identity as well as her political existence. They and those who repre-

sent them, are the only true exponents of her rights and pretensions.

By these the Government of the United States were apprised of our boundary, and only through these could they acquire any knowledge on the subject at all; and thus advised, that Government, in 1837, acknowledged our independence; and so far as it was concerned, became, thereby, forever excluded from setting up any thing in opposition to it.

By the resolutions of annexation it is provided that "the territory properly included within and rightfully belonging to the Republic of Texas, might be erected into a new State, to be called the State of Texas." A condition was coupled with these that "the Government of the United States should have the right to adjust all questions of boundary that might arise with other Governments." We might justly insist that this condition should be construed strictly; for that such is the rule no one will deny. Still, give it the greatest possible effect, and we are yet unable to bring the adjustment of the question of boundary between Texas and the General Government, in this instance, within its scope, for the reason, that so far as this boundary is concerned, there can arise no conflict at all.

The object and purpose of this reservation in the resolutions, cannot be misconceived. It was asked on the one hand and yielded on the other, in order that the Government of the United States might not have to approach the settlement of her actual or prospective difficulties with Mexico, clothed with only a qualified and imperfect power of adjustment. In a spirit of confidence which she hopes never to have occasion to regret, Texas constituted the Federal Government her agent and trustee in the adjustment of her boundary. And had that Government, induced by any of those high considerations of justice or national policy, in exercising that trust, deemed it proper to yield a portion of the territory claimed by Texas, remote from her settlements, and making fair compensation therefor, as she would have been bound to do, not an expression of dissatisfaction would have been heard from her. This was a liberal and humane offering which she was prepared to make on the altar of peace. Construe this condition in any other wise, and suppose the power of adjusting our boundary to be a general one, Texas occupies a strange and anomalous position in the Union, unlike that of every other State. Instead of being a co-equal with them, she is made a mere appanage; dependent for her very existence upon the capricious favors of power.

Standing then in the relation of an agent or trustee towards

Texas, the General Government in any treaty or negotiation in regard to boundary, could not acquire a right to territory within limits even claimed by her, much less where that claim had been acknowledged on their part. To permit this to be done, would be a subversion of the settled principles of law and equity in such case. For it would be to allow the agent to contract against the rights of his principal, the trustee against those of his *cestui que trust*, the guardian against those of his ward, and to divert their acquisitions in these capacities to their own use.

If this position be true, then there cannot exist a shadow of doubt that by the late treaty of peace with Mexico, the right of Texas to the line set up in her laws and re-asserted in her constitution, became absolute and perfect.

Independent of the effect upon this question of the recognition by the United States Government of the Independence of Texas in 1837, that Government has, as I will proceed to show, by fair deductions from some acts and by the direct force of others, recognized the claim of Texas as set up by her laws.

The resolutions of annexation provide, contingently, for the division of Texas into five States of *convenient* size; a provision evidently made with reference to our asserted boundary, for it would have involved an absurdity to have made it with reference to that within which the attempt is being made to restrict us, embracing as it does scarcely territory enough for *one* instead of five States of convenient size.

Equally absurd and nugatory is another condition of these resolutions, providing that in the State or States formed out of our territory North of 36 deg. 30 min., slavery or involuntary servitude shall be prohibited, had it not been made with a like reference to boundary recognized as established above that line. To suppose otherwise is to adopt the unreasonable presumption, that the parties, contracting through these resolutions, made a subject of arrangement, territory in which neither the one nor the other, had any right, and to convict the Congress of the United States of doing and the people of Texas of assenting to an inept, a vain, and a useless thing.

Again, the Congress of the United States, with rare unanimity and without reference to party, declared, on the 13th day of May, 1846, that war had been commenced by the act of Mexico. The act upon which this declaration was founded, and by which it could only be sustained, consisted in the attacking our army within the territory of the United States, and the declaration could only be made true by the assumption that the Rio Grande was the boundary of Texas, and the territory East of it a portion of the United States.

And I am certain, that the Government of the United States will never permit the reproach to be recorded in history against her, that she charged Mexico as an aggressor, and visited upon her with the sword the fearful consequences of an invasion of her soil, and afterwards when needing no such pretext and seeking a different end, she sought to repudiate the very title by which the truth of her declaration and her justification before the world could be established; and finally the Congress of the United States, on the 29th day of December, 1845, and by which the act of annexation became final, accepted and ratified our State constitution by which "all laws and parts of laws now in force in the Republic of Texas, which are not repugnant to the Constitution of the United States, the Joint Resolutions for annexing Texas to the United States, or to the provisions of this constitution, shall continue and remain in force as the laws of this State, until they expire by their own limitation, or shall be altered or repealed by the Legislature thereof." This act of acceptance and ratification cannot amount to less than that the Congress of the United States recognize in its provisions nothing against the constitution of the United States—nothing in the shape of pretensions which that body was not willing to admit and endorse.

I have thus presented, as I conceive fairly, the true questions involved in this matter, and earnestly solicit the attention of your Excellency to them, and to the necessity, at an early day, of disposing of this vexed question, in some authoritative and final manner.

This question of boundary, though seemingly one of interest, is nevertheless to Texas a matter of honor. Encumbered with a large national debt, contracted in the course of her revolution, she has to look to her public domain as her only resource for its payment, and the acquittance of her obligations to those who generously aided her in her struggle. This consideration will render the acquiescence of Texas in any measure to obtain from her any portion of her territory below 42 deg. or east of the Rio Grande, without ample compensation, and on other conditions by her to be imposed, utterly unattainable, and I am not authorized to say that it could be even obtained for that.

The last Legislature of the State passed an act to create and organize the county of Santa Fé; and to ensure the object contemplated, the Executive of this State was instructed to request the President of the United States to issue orders to the military officers stationed in Santa Fe to aid the officers in organizing the county of Santa Fe and the 11th judicial district of the State of Texas, and in enforcing the laws of the State; "and if neces-

sary to call upon said officers to put down resistance to the laws of Texas," which was transmitted to you on the 23d March, 1848.

In pursuance of law, Hon. Spruce M. Baird was appointed Judge, and James W. Webb, Esq. chosen District Attorney for the Eleventh Judicial District, that being the county of Santa Fe. These gentlemen are now on their way to enter upon the discharge of their duties. To the former is confided by the law, creating the county of Santa Fe, the duty of its proper organization. And I embrace the present opportunity to repeat the request already made that you will instruct the United States officers in Santa Fe to extend every lawful aid to Judge Baird, which he may have occasion to require, in furtherance of the organization with which he is charged.

And, sir, I cannot close this communication without rendering to you the thanks of the people of Texas for the zeal which you have manifested, on all proper occasions, for our interests, and especially for the favorable sentiments which you have thought proper to express in your message to the Congress of the United States at its late session.

I have the honor to be, with high consideration, your Excellency's obedient humble servant.

GEO. T. WOOD.

Governor Wood to President Taylor.

POLK COUNTY, Texas, June 30, 1849.

HIS EXCELLENCY, Z. TAYLOR,

President of the United States:

Sir,—At the last session of our Legislature, laws were passed organizing the county of Santa Fé, and establishing a judicial district including the same, and Spruce M. Baird, Esquire, was elected Judge, and directed to proceed to the organization of the County of Santa Fé, under the laws of the State. Subsequently to Judge Baird's reaching Santa Fé, he informed the Executive that opposition had been offered him by the military government which at that time, seemed to be in force there by order of the United States, which tended to hinder such organization. This military government was established by order of the President of the United States in 1847; and was objected to by the authorities of Texas. The latter was informed by the Secretary of State of the United States, that this organization was temporary in its character—only intended to facilitate the United States in prosecuting the war against Mexico, and should be dissolved at the conclusion of peace between the two powers.

This opposition to the authorities of Texas was certainly un-

looked for, as it could never have been expected that the Federal Government would lay claim or assert title to that soil which her authorities have, on more than one occasion, solemnly acknowledged and declared to the world to be within the limits of Texas.

The Executive of Texas addressed a communication to President Polk, under date of 6th October last, soliciting such aid for Judge Baird, in enforcing the laws of Texas over Santa Fe, as he might need, by the United States' forces stationed in that quarter—to which communication I respectfully beg leave to refer your Excellency. The Executive has to regret that no reply has yet been received to the communication referred to.

This is a subject of the first magnitude to Texas, as she is bound by every moral and legitimate obligation at once to bring her vacant lands into market, that they may be made available to the holders of her public liabilities.

I would beg leave most respectfully to request of your Excellency, which I now most solemnly do, to offer such facilities to the State authorities in Santa Fe, as may seem to be consistent with the obligations of the Federal Government and the rights of Texas. The Executive deems it unnecessary at this time, to rediscuss the question of boundary and the right of Texas to the soil as claimed by her laws, and acknowledged by the United States. No people would regret more than the people of Texas, a misinterpretation of her rights, in relation to boundary, by the Federal Government, nor can her citizens realize for a moment, that a claim by the Federal Government to any portion of her territory can be seriously urged: Since to yield to a severance of any portion of her soil, would be as humiliating to Texas as it would be unjust on the part of the United States.

An early reply to this communication will enable the Executive to lay before the Legislature, which will convene in November next, the views of the General Government relative to the subject matter referred to, and add additional energy to the already undiminished confidence felt and cherished by the people of Texas in the justice of the Federal Government.

With sentiments of distinguished consideration,
I am your obedient servant,

GEO. T. WOOD.

REPORT OF THE SECRETARY OF STATE.

DEPARTMENT OF STATE, }
Austin, November 1, 1849. }

SIR :— I have the honor to submit to your Excellency the accompanying exhibits :

1. Of the census of the several counties for the year 1848 :
2. Of the vote of the several counties on the proposed amendment of the State constitution :
3. Of the amount of fees collected by this Department from the 20th March, 1848, the date of the passage of the law authorizing the same to be charged, up to the present time ; and
4. Of the several appointments to office made by your Excellency during the recess of the Legislature, which may require the action of the Senate.

It will be seen, that neither the returns of the census nor of the vote on the proposed amendment of the constitution, are complete—a few counties having failed to send them in.

As the transactions of my office are confined to minute details, having but little relation to subjects of general state policy, it will not be expected that I should do more, in this report, than invite your Excellency's attention to those points immediately connected with the performance of my duties and which seem to me to require the action of the Legislature.

During the period I have been in charge of this Department, the amount of business done has been necessarily large. Much of it has grown out of the general and special elections held during this and the last year, for county officers, electors of President and Vice-President, Governor and Lieutenant Governor, Commissioner of the General Land office, members of the Legislature and of Congress, and on the proposed amendment of the constitution. I am able to say, however, that the multifarious duties devolved upon me have been all fully performed ; and that the business of the office is complete up to the present date.

No appropriation was made by the last Legislature, to meet the expense of taking the census of 1848, for the compensation of the electors of President and Vice-President, or for the publication of the joint resolution proposing an amendment of the constitution, and required by law to be published in the public prints of the State.

I should remark, also, that the amount appropriated to defray the contingent expenses of this office, has, under the strictest economy been found to be wholly inadequate. The postage, alone, upon the multitude of commissions required to be sent out, and upon the numerous bulky returns made to the office, as well as

upon the large correspondence necessary to be kept up with Chief Justices of counties, has absorbed the greater part of the sum appropriated. In addition to this, the arrearages of the Department for 1846 and 1847 have been paid, leaving but little to be applied to the purchase of the necessary stationery and blanks, and to the publication of the proclamations of the Executive.

Estimates of the amount required to discharge the liabilities of the Department, contracted in the performance of duties enjoined by law, will be submitted in due time—with the hope that the Legislature will, at an early day, make adequate provision for their payment.

The first volume of the decisions of our Supreme Court has been published and the number of copies subscribed for by the State, under the provisions of the act of the 18th February, 1848, have been received. A copy has been distributed to each of the Judges of the Supreme and District Courts, District Attorneys, and Governors of the States and Territories. It will be for the Legislature to say what disposition shall be made of those remaining on hand.

Frequent application has been made to me by the officers of counties recently organized, for complete sets of the statutes of the late Republic. It has been found impossible to furnish them, as a portion of the copies have been entirely exhausted. In the event that a digest of the laws is not speedily published, the cause of public justice would seem to demand that a sufficient number of copies of the general acts of the seventh, eighth and ninth Congresses, and of the extra session of the sixth, should be re-printed.

Some suitable provision for the repair and better preservation of the books, maps, &c., belonging to the state library, should be made. Many of them are rare and valuable, and could not be easily replaced if permitted to go to destruction. This must be the result, however, unless the proper steps be taken at an early day to prevent it.

I would suggest the propriety of a law, requiring the Secretary of State to turn over all judicial reports received in exchange from the other States, to the clerk, for the more convenient use of the Supreme Court, taking the proper receipts therefor.

The building now occupied by the State Department is poorly adapted to the proper protection of the contents of the office. It is connected on two sides with the residences of families, and is constantly exposed to conflagration. In such an event, but a small part of the archives containing, as they do, papers of great interest and value to the people of the State, could probably be

saved. I would, therefore, particularly recommend that the Legislature authorise the Secretary of State to select some one of the other public buildings; and that the same be reserved for the use of his office. It should, by all means, be removed from its present locality.

The time has fully arrived when, if ever, the Legislature should make provision for collecting, arranging, and preserving, in some durable and accessible form, all the public data now to be obtained, relating to the history of Texas from its first settlement to the period of its admission as a State of the Union.—Doubtless many valuable historical materials have been already lost, and they are constantly perishing. Some effort should be made to secure those that remain, from a like fate. Many of the other States have, within the last few years, employed competent men to collect their early historical records from their obscure depositories in this and foreign countries; and much regret has been expressed, that they did not sooner undertake a task of so much interest and importance. Justice to the memory of the pioneers and patriots of Texas who have passed from life, as well as a proper regard for the wishes of the present and future generations, requires that this State should now undertake the performance of a similar commendable work. It would probably take some two or three years of arduous labor to execute the duty properly, in all its details. The expenses of translations, transcriptions, traveling, postage, printing, stationery, and pay of the person employed, would necessarily be about two thousand dollars a year. It is believed that this sum could not be applied in any way to give more satisfaction to the people of the State.

I would also respectfully recommend that some suitable provision be made for bringing home the archives of the foreign legations and consulates of the late Republic of Texas. Those of the legation to the United States still remain at Washington.—The consular records at New Orleans and New York contain, as I am informed, evidence of transfers of property between individuals, which may become of great importance to the parties interested, in the event of the loss of the originals. To make them available for authentication, they should be placed in possession of the State Department.

I have the honor to be,

Very respectfully,

Your obedient servant,

W. D. MILLER,

Secretary of State.

His Excellency, Governor Wood.

EXHIBIT
Of the Census of the State for the year 1848.

Counties.	ELECTORS.	WHITE MALES UNDER 18 YEARS.	WHITE MALES OVER 18 AND UNDER 45 YEARS.	WHITE MALES OVER 45 YEARS.	WHITE FEMALES.	SLAVES.	FREE COLORED PER- SONS.	TOTAL WHITE POPU- LATION.	TOTAL WHITE AND COLORED POPULA- TION.
Anderson,	425	559	417	86	951	336		2,013	2,344
Angelina,	132	204	119	32	334	164	1	689	854
Austin, :	351	410	391	91	699	1,314	6	1,621	2,941
Bastrop,	389	421	379	59	684	650	4	1,543	2,197
Bexar,	699	836	1,139	131	1,630	221	19	3,737	3,979
Bowie,	299	325	269	63	508	1,224		1,165	2,389
Brazoria,	376	454	537	129	685	3,219	8	1,805	5,032
Brazos,	85	108	65	20	160	113		353	466
Burleson,	220	277	211	60	448	347		996	1,343
Caldwell,	126	172	129	27	235	121	3	563	684
Calhoun,	143	119	208	35	290	147	2	652	831
Cameron,									
Cass,	578	833	544	144	1,148	1,386		2,659	4,055
Cherokee,	836	1,051	786	167	1,556	931		3,560	4,491
Collin,	233	281	235	42	447	80		1,006	1,086
Colorado,	250	356	311	65	529	574	8	1,261	1,843
Comal,	163	331	389	76	614	55		1,410	1,465
Cooke,	19	28	16	4	51			99	99
Dallas,	485	585	436	100	987	178		2,108	2,286
Denton,	229	209	235	21	446	10		914	924
De Witt,	207	205	194	25	373	368		797	1,165
Fannin,	630	845	627	126	1,403	395	1	3,001	3,397
Fayette,	467	614	501	113	924	666	6	2,152	2,821
Fort Bend,	213	187	191	36	327	1,171	4	741	1,916
Galveston,	751	832	1,137	115	1,585	631	24	3,669	4,321
Gillespie,	241	238	249	45	434			966	966
Goliad,	121	63	98	26	157	154		344	495
Gonzales,	231	258	254	40	406	461	3	958	1,422
Grayson,	275	367	287	52	574	141		1,260	1,461
Grimes,	426	506	417	100	833	1,294	1	1,858	3,153
Guadalupe,	219	189	185	50	341	253	4	765	1,022
Harris,	945	1,392	1,779	351	2,806	1,008	32	6,341	7,381
Harrison,	602	801	660	149	1,393	3,456		2,913	6,369
Hays,	52	64	53	3	70	83		190	273
Henderson,	214	276	203	47	476	95	2	1,002	1,099
Hopkins,	417	607	390	80	962	110	1	2,039	2,150
Houston,	351	319	392	75	722	500	1	1,508	2,000
Hunt,	240	342	220	45	579	19		1,186	1,205
Jackson,	128	113	102	35	207	265	19	457	741
Jasper,	196	286	179	48	442	344		955	1,299
Jefferson,	314	365	281	76	547	184	45	1,269	1,498
Kaufman,	204	249	178	49	420	57	1	896	954
Lamar,	649	1,112	709	160	1,715	886	5	3,696	4,587
La Vaca,	157	268	148	27	371	327		814	1,141

Counties.	ELECTORS.	WHITE MALES UNDER 18 YEARS.	WHITE MALES OVER 18 AND UNDER 45 YEARS.	WHITE MALES OVER 45 YEARS.	WHITE FEMALES.	SLAVES.	FREE COLORED PERSONS.	TOTAL WHITE POPU- LATION.	TOTAL WHITE AND COLORED POPU- LATION.
Leon,	206	339	211	36	369	300		955	1,255
Liberty,	450	435	393	57	661	773	18	1,516	2,337
Limestone,	316	335	290	55	504	478	1	1,184	1,663
Matagorda,	218	184	232	50	380	1,232	3	846	2,081
Medina,	81	204	192	16	313			725	725
Milam,	173	244	164	35	283	185		726	911
Montgomery,	290	344	282	68	548	685	21	1,242	1,948
Nacogdoches,	642	887	648	156	1,443	1,122	64	3,134	4,320
Navarro,	296	401	264	67	583	185	4	1,315	1,504
Newton,	226	347	204	60	446	334	9	1,057	1,400
Nueces,	400	161	557	22	298	42	1	1,038	1,081
Panola,	354	418	311	75	748	764		1,552	2,316
Polk,	276	385	259	60	552	601	2	1,256	1,859
Red River,	687	936	726	135	1,513	1,456	12	3,340	4,778
Refugio,	89	54	80	10	109	15		253	268
Robertson,	188	204	185	36	340	280		765	1,045
Rusk,	657	1,128	912	123	1,728	1,040	40	3,891	4,971
Sabine,	312	334	265	54	607	754	1	1,260	2,015
San Augustine,	420	610	385	114	896	1,497		2,005	3,502
San Patricio,	40	31	35	6	62	4		134	138
Santa Fe,									
Shelby,	639	830	604	123	1,287	847		2,944	3,691
Smith,	356	467	343	87	732	280		1,629	1,909
Starr,	262	324	236	36	440		4	1,036	1,040
Titus,	506	623	485	99	929	354	2	2,136	2,492
Travis,	713	368	714	51	687	571	12	1,820	2,403
Tyler,	188	339	191	44	423	269		997	1,266
Upshur,	306	447	303	58	696	192		1,504	1,696
Van Zandt,	210	288	186	34	399	36		907	943
Victoria,	270	255	316	60	474	449	1	1,105	1,555
Walker,	515	584	485	86	826	854		1,981	2,835
Washington,	573	644	571	105	1,134	1,824	5	2,454	4,283
Webb,									
Williamson,	107	169	86	32	221	26		508	534
Wharton,	147	111	140	20	175	1,065		446	1,511
	25,393	31,517	27,486	5,311	51,187	42,455	400	115,501	158,356

RECAPITULATION.

Electors,	25,393	
White males under 18 years,	31,517	
White males over 18 and under 45 years,	27,486	
White males over 45 years,	5,311	
Total white males,	64,314	
Total white females,	51,187	
Total white population,	115,501	
Total slaves,	42,455	
Total free colored persons,	400	
Total population of the State returned,	158,356	

The State of Texas.

I, the undersigned, Secretary of State, do hereby certify that the foregoing is a full and correct exhibit of the enumerated population of the State, for the year 1848, according to the returns received and on file in the Department of State.

In testimony whereof, I hereto set my hand and affix the State seal at Austin, the first day of November, 1849; and in the year of the independence of Texas, the fourteenth.

W. D. MILLER,
Secretary of State.

EXHIBIT

Of the Vote of the several Counties on the Proposed Amendment of the Constitution, August 6, 1849.

	FOR.	AG'T.	NEUT.		FOR.	AG'T.	NEUT.
Anderson,	333	7	11	Jefferson,	47	2	
Angelina,	41	19	18	Kaufman,	103	27	
Austin,	167	26	6	Lamar,	515	36	
Bastrop,	224	34		La Vaca,			
Bexar,	451	203		Leon,	96	6	11
Bowie,	122	52	6	Liberty,	200	24	4
Brazoria,	302	17	22	Limestone,	142	56	54
Brazos,	45	11	5	Matagorda,	71	63	14
Burleson,	120	37		Medina,	50	3	
Caldwell,	119	45	36	Milam,	103	56	52
Calhoun,	93	32		Montgomery,	125	62	
Cameron,	129	31	728	Nacogdoches,	433	93	
Cass,	270	52	25	Navarro,	257	39	18
Cherokee,	489	65	64	Newton,	168	6	
Collin,	239	15		Nueces,	78	154	
Colorado,	93	17	11	Panola,	214	60	
Comal,	150	33	7	Polk,	211	15	22
Cooke,	33			Red River,	479	23	
Dallas,	339	13		Refugio,	29	20	
Denton,	67	8		Robertson,	54	64	
Do Witt,	78	40	9	Rusk,	730	131	
Fannin,	427	22	11	Sabine,	220	7	
Fayette,	346	33	50	San Augustine,	174	99	
Fort Bend,	145	29	30	San Patricio,	22	4	
Galveston,	287	63	168	Santa Fé,			
Gillespie,				Shelby,	469	103	
Goliad,	55	11	4	Smith,	197	2	
Gonzales,	101	33	28	Starr,	154	8	92
Grayson,				Titus,	437	11	14
Grimes,	232	79	23	Travis,	356	37	27
Guadalupe,	112	26	9	Tyler,	151	15	
Harris,	557	164	47	Upshur,	254		
Harrison,	596	85		Van Zandt,	101	8	
Hays,	35	12	9	Victoria,	118	42	53
Henderson,	163	10	3	Walker,	394	32	
Hopkins,	314	12	4	Washington,	443	92	49
Houston,	269	46		Webb,	201	204	62
Hunt,	164	1		Williamson,	120	17	119
Jackson,	51	43		Wharton,	57	19	
Jasper,	122	3					
					15,852	3,139	1,932

NOTE.—No returns received from the counties of Gillespie, Grayson, La Vaca, and Santa Fé.

From the counties of Bexar, Cherokee, Montgomery, Nacogdoches, Nueces, Smith, Tyler, Walker, Webb, and Williamson, no lists of voters' names, but the results only, returned. Deducting the returns of these counties, for informality, the aggregate vote for the amendment would be 13,213; against the amendment, 2,292; and neutral, 1,687.

Recapitulation.

For the amendment,	15,852	
Against the amendment,	3,139	
Neutral,	1,932	
	<hr/>	
Total number of Voters,	20,923	
For the amendment, as above,		15,852
Against the amendment and neutral, as above,		5,071
		<hr/>
Majority in favor of the amendment,		10,781

Recapitulation, excluding the informal returns.

For the amendment,	13,213	
Against the amendment,	2,292	
Neutral,	1,687	
	<hr/>	
Total number of voters,	17,192	
For the amendment, by this statement,		13,213
Against the amendment and neutral, by this statement,		2,979
		<hr/>
Majority in favor of amendment,		9,334

The State of Texas.

I, the undersigned, Secretary of State, do hereby certify that the foregoing is a full and correct exhibit of the vote on the proposed amendment of the Constitution, cast on the 6th day of August, 1849, according to the returns received and on file in the Department of State.

In testimony whereof, I hereto set my hand and affix the
 { L. S. } State seal, at Austin, the first day of November, 1849;
 { } and in the year of the independence of Texas, the
 { } fourteenth.

W. D. MILLER,
Secretary of State.

EXHIBIT

Of the amount of Fees received by the Department of State from March 20, 1848, to October 31, 1849, and paid into the Treasury of the State.

Amount for the quarter ending June 30, 1848,	\$48 30
Amount for the quarter ending September 30, 1848,	70 40
Amount for the quarter ending December 31, 1848,	73 31
Amount for the quarter ending March 31, 1849,	37 50
Amount for the quarter ending June 30, 1849,	25 00
Amount for the quarter ending September 30, 1849,	20 00
Amount for the month of October, 1849,	16 50
Total,	\$291 01

I, the undersigned, Secretary of State, do hereby certify that the foregoing is a correct exhibit of the amount of fees collected by the Department of State from the 20th March, 1848, to the 31st day of October, 1849.

In testimony whereof, I hereto set my hand and affix the [L. s.] Seal of State, at Austin, the 31st day of October, 1849.

W. D. MILLER,
Secretary of State.

REPORT OF THE ATTORNEY GENERAL.

ATTORNEY GENERAL'S OFFICE }
AUSTIN, Oct. 27th 1849. }

To His Excellency

GEORGE T. WOOD, *Governor of Texas.*

SIR—Since the adjournment of the last Legislature, the act which makes it my duty to investigate the conditions of the titles to the various Islands within the limits of Texas, and if it be expedient to cause legal proceedings to be instituted against persons claiming the same adversely to the State, has received that attention which its importance merits. And after considering the various acts of Congress of the late Republic relative to these titles, I determined to institute legal proceedings against a claimant of a portion of Galveston Island, who held the same under a patent which was issued upon a location and survey made by virtue of certain land scrip, (known as the Bryan scrip,) which was

issued on the 10th of December, 1836. As on the same day, (viz on the 10th December, 1836) Congress had passed a law reserving for the use of the Government all Islands belonging to the Republic, &c., (which law appeared to me still to remain unrepealed,) I regarded the location and patent as being inadequate to convey to the grantee of the patent any title to the land which his mediate vendee was holding adversely to the State.

The Judge of the district court however differed from me in opinion in regard to the law, and as a consequence, the cause was in that court decided against the State. On the part of the State, I appealed to the Supreme Court, where the cause is now pending. Nothing which occurred during the trial, and no subsequent reflection have at all impaired my confidence as to the correctness of the views which I had previously taken of the law relative to this cause. In addition to the above action, I, in due time, forwarded to the District Attorney of the 10th District, a form of a petition, accompanied with the request, that he should there institute proceedings against some claimant of a portion of some Island, who was holding the same adversely to the State. This was done with a view of testing the validity of each class of claims, in compliance with what I conceived to be the intention of the Legislature that enacted the law.

In compliance with the provisions of the "act to suppress illegal banking," approved 20th March, 1848, I have instituted four suits against an association of individuals who, under the name and style of the "Commercial & Agricultural Bank," have for nearly two years exercised and continue to exercise banking privileges in the County of Galveston. These suits were instituted in succession for successive infractions of the law. The penalties claimed, in all, amount to the sum of seventy-five thousand dollars, (\$75,000,) for exercising banking privileges for fifteen months contrary to the provisions of the statute. But one has been tried in the District Court—this there resulted unfavorably to the State. From this decision an appeal was taken to the Supreme Court, where the cause is now pending. And subsequently to the decision in the District Court, three other suits have been instituted against the association for continuing to exercise banking privileges. At the last term of the Court, the defendants obtained continuances in two of the causes which had been previously instituted. After stating the course which I have pursued, it is almost needless to add that I have the most undiminished confidence, that in the Supreme Court these causes will result favorably to the State. In the above instances banking privileges were exercised constantly and without disguise.—

In other instances, the promissory notes of individuals have been circulated as money within the State; but so far as I have been able to learn these were dated and put into circulation prior to the passage of the act. Had I been able to prove that such notes were issued or re-issued by their makers, since the first day of May, 1848, when the act took effect, suits would have been instituted against them for such infractions of the law.

As the above statutes and the interest of the State seemed to require it, I gave my personal attention to the causes which were instituted under them. This caused me to be in attendance upon the District Court of Galveston County for a considerable portion of the past summer; but as during this time, I was but little needed at the seat of Government, the interest of the public was not injuriously affected by my absence.

An act of the late Republic requires that "all recognizances &c., shall be made payable to the President of the Republic of Texas." Since the change of the Government, a doubt has arisen as to whether such recognizance should be made payable to the Governor of the State. So far as I have been able to learn, the question has not been decided by the courts. It is one of so much practical importance that I think it ought to claim the early attention of the Legislature. I would advise the passage of a law requiring all recognizances to be made payable to the State.

The 26th section under the general provisions of our constitution provides that "no person shall hold or exercise at the same time more than one civil office of emolument, except that of Justice of the Peace." I think it would be well for the Legislature to pass some law to insure the enforcement of this salutary provision. Its violation should be made a high penal offence.— If an officer now should be appointed or elected to fill another office, he might exercise both, which, in some instances, would be productive of incalculable mischief. Suppose, for example, a Notary Public were elected to fill another office, and were still to continue to discharge the duties of a Notary, there is but little doubt that all his Notarial acts would be invalid; and the community should, by law, be protected against such imposition.

By the 26th section of the second article in the Constitution, it is provided that no defaulter shall hold any office under the State Government. In order to enforce this provision it is respectfully suggested that an additional oath of office be prescribed by law, and that the party taking such oath be required to swear that he is not a defaulter to the Republic or State of Texas. It would be well to make it a penal offence to exercise any office without

previously taking the oath of office prescribed by the constitution and the law.

And in all cases in which a commission be by law required to issue, that it be withheld until such oath is made and filed with the officer whose duty it is to issue the same.

Since the adjournment of the last Legislature, but few suits have been instituted against defaulting officers. This was not done because in the prosecution of suits, it was found indispensably necessary to have copies of the returns and accounts of such officers on file in the office of the Comptroller, in order to show the extent of their respective indebtedness to the State.—The clerks allowed to that office were unable to make these copies and to discharge their other and more important duties.—And upon consultation with the Comptroller, we arrived at the conclusion that to hire clerks to make these copies would probably cost the State a larger amount in money than would in a majority of instances, be collected from the defaulting officers and their securities; and as we believe this difficulty could be remedied by the passage of an appropriate law, we determined to advise the Legislature of its existence and await their action upon the subject.

The remedy I would propose, is to institute suits upon the bonds of such defaulting officers at the seat of Government, where their original returns and accounts could be introduced as evidence upon the trial of the causes, or to institute such suits in the respective counties in which debtors reside (as is the law at present) and to make the certificate of the Comptroller (under his hand and seal) of the balance which appears to be due, from the returns, accounts and records in his office, sufficient evidence to establish the amount of indebtedness. The latter I would advise as the more reasonable and equitable law.

It would be much to the interest of the officers and their securities that such a provision should be made. For as the law now stands they would be condemned to pay the cost of furnishing these copies.

In suits brought by the State, it often happens that the district attorneys are required to pay in advance for documents and other testimony necessary for their successful prosecution. This often presents to the District Attorney, the alternative of advancing his own funds for these purposes or of proceeding to the trial in the absence of important testimony. In order to remedy these evils, (which are conceived to be great,) I would most respectfully suggest that there should be placed in the hands of

the Comptroller a contingent fund adequate to defray such necessary expenses.

Since the adjournment of the Legislature a cause has been tried in the District and Supreme Courts testing the sufficiency of the "Joint Resolution for the relief of the citizens of Jasper County," approved 7th December, 1841. The law has been adjudged sufficient for the attainment of the objects for which it was enacted. By it, fraudulent land certificates amounting to nearly one hundred leagues have been detected, and the unscrupulous and fraudulent devices resorted to for their establishment have been fully discovered and exposed.

At the last term of the Supreme Court a cause was tried testing the validity of a grant of land situated within the twenty frontier leagues bordering on the United States. The grant bore a date prior to the 17th day of March, 1836, and was for ten leagues and twenty four labors (a very small fraction less than eleven leagues.) This suit was instituted against the late Republic to establish the validity of this grant, under the second section of the act "to quiet land titles within the twenty frontier leagues &c.," approved January 9th, 1841. In the District Court the cause was decided against the Republic. In the Supreme Court this decision was reversed and a final judgment in the cause was rendered in favor of the State.

The principles contained in this decision taken in connection with the provisions of the above act and also those of the constitution of the Republic and of the State, will doubtless render invalid all those large and fraudulent claims to lands situated in the eastern, north-eastern and northern portions of the State.

In the cause which was instituted in the name of the Governor of the State of Texas, (who sued in behalf of the people of said State,) vs. Charles Fenton Mercer and his associates, to annul the colonization contract which he made with the President of the late Republic, a judgment final has, in the District Court, been rendered against the defendant. They have, thus far, acquiesced in the decision; for, so far as I have been advised, no steps have yet been taken to remove the cause to a higher court. In the suits also against Kennedy and Pringle, and against Pringle and his associates, judgments have been rendered annulling their respective colony contracts.

The remaining causes against the colony contractors are still pending in the District Courts of the third and fourth judicial districts. A final judgment has been obtained against the State in one only of the Empresario causes. This was for seven leagues and eight labors. Four of this class of cases have been

dismissed at the cost of the plaintiff. Four are still pending; two in the District, and two in the Supreme Court.

The cause of the Board of Land Commissioners &c. against James Reilly, which formerly attracted much attention, was, at the last term of the Supreme Court, decided in favor of the State.

Since the adjournment of the last Legislature, the Supreme Court has announced opinions in two causes which had been instituted for the purpose of establishing the validity of headright land certificates, without the necessity of their being recommended, according to the provisions of the "act to detect fraudulent land certificates, &c." approved 26th January, 1840. These causes were both decided in favor of the State.

It is a source of pleasure to be able to report generally, that during my present and former terms of office, many important causes in which the Government was a party or had an interest, have been finally determined, and that none of these have resulted adversely to the interest of the State.

On the 8th of March, 1839, the Mayor and Alderman of the Corporation of the Town of Bastrop passed a resolution making it the duty of the Mayor, without delay, to make out and execute, to the Republic of Texas, a deed for one league of land as a donation, upon condition that the capital of the Republic of Texas should be permanently located within ten miles from the foot of the mountains upon the east side of the Colorado river. The league as described is a portion of the town tract, and the deed on that day was accordingly executed. This league is valuable on account of its timber only. Information has been received at this office to the effect that the Corporation of Bastrop has recently granted a lease of this land, and that the lessee is now, and for some time past, has been busily employed in severing and appropriating its timber.

Prior to the month of February last, I was informed that suits had been instituted in the District Court of Bexar County to compel the surveyor to survey lands on unrecommended headright certificates amounting to nearly two thousand leagues. I thought the interest of the State might possibly require my personal attention to these causes. I accordingly gave it, and they were dismissed for the want of prosecution.

While in attendance upon the Bexar Court, I gave some attention to the causes which were there pending against several of the colony contractors. They were not found in a state of preparation for trial, and were consequently continued.

But the subject to which I would above all others direct the attention of the Legislature, is the necessity of acquiring a law li-

rary for the use of the officers of the State. Its want is, in every department of the Government, most severely felt. The Legislative department is now called on to supply the defects of a system of laws and to prune its superfluous parts, without being furnished with the means of ascertaining what that system really is. Is it reasonable to suppose that the Legislature can perfect a system in the absence of all opportunity to consult and understand it? The Governor, who is the head of the Executive Department, is by the constitution required "to take care that the laws be faithfully executed." Here then is a duty enjoined without furnishing the means of ascertaining what that duty really is, or how it may be most properly performed. If the Legislature fail to furnish the laws, can they reasonably expect that the Governor can cause them to be "faithfully executed?" But to the Judicial Department of the Government, such a library is of vital importance. In the absence of the lights of a single law book furnished by the government, our Supreme Court is often called on to decide questions novel, difficult and vastly important. Our laws are by far more complex than those of any other State in the Union; and while every other State has found it necessary to procure extensive libraries, Texas has procured none.

The system which is being formed by the decisions of our Supreme Court, when tested by the legal lights of other states and countries, may be found, (in many important particulars,) at variance with some of the longest established principles of the law.—Then we shall be compelled either to persist in these errors and perpetuate them or to reverse these decisions at the expense of thousands of innocent citizens who may possibly have been deluded by them. Again, our Supreme Court is continually called upon to decide causes of the greatest magnitude, and it can be easily seen how important it must be for that tribunal to be *now* furnished with every facility for the proper formation of this new system and the correct disposition of these causes. When approaching evils are foreseen, it is the part of wisdom *then* to avert them. Remedies come too late when the mischief has been already done.

But may I be permitted here to add, that nothing contained above is intended to be understood to the disparagement of any member of any department of the Government. They know it has long been a maxim with the sages of the profession, that the wisdom of no man and of no number of men is superior to the wisdom of the law, that has been brought to its present state of

perfection by the wisdom and experience of a long succession of ages and centuries.

And in order to remedy the evil, (which all admit to be great,) I will advise that our statute laws and the decisions of the Supreme Court be sent to the Secretaries of State of the other States in the Union; and, as is the constant practice, they will send similar books to our Secretary of State in return. And I would further advise that the Legislature appropriate for the purpose, a sum of money sufficient to purchase a library that will be adequate to our present wants.

It is often extremely unpleasant to the officers of the State to be dependent upon others for the use of private libraries in order to acquire the information necessary to discharge their official duties. This dependent condition is often inconsistent with the interest of the State, and it is, at all times, exceedingly humiliating to its dignity. And it is difficult to conceive how the interest of the State could be more effectually advanced than by appropriating a reasonable sum for the perfection and for the proper administration of a system of laws upon which the property, the liberty and the lives of our citizens depend.

During my former term, I notified the then Executive that I was disqualified from attending to two of the empresario causes, viz. that of Austin & Williams, and that of James F. Perry, Executor of Stephen F. Austin, against Sam Houston, &c., which were pending in the district court for Travis County. And his excellency A. C. Horton, employed Jas. Webb, Esq., to give his professional attention to these causes in that court on the part of the defendant. Mr Webb complied with his part of the contract, and in the district court there were trials of the first mentioned causes. I paid him one hundred dollars in part for his services out of the contingent fund appropriated for this office.

The causes were then by the defendant taken to the Supreme Court. Henry P. Brewster, Esq., attended to the cause of Austin and Williams, and procured its reversal. He has subsequently attended to this cause in the district court and promised a continuance of his attention to it in the Supreme Court where it has been again taken by the defendant. Mr. Brewster has at my request in other important causes, rendered valuable services to the State. These gentlemen have attended to these causes assiduously and ably, and the services having been rendered it is for the Legislature to determine what would be for them an appropriate or a just compensation.

All of which is most respectfully submitted.

I have the honor to be your ob't serv't.

JOHN W. HARRIS, *Attorney General.*

REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE.

GENERAL LAND OFFICE, }
Austin, Nov. 1st, 1849. }

To His Excellency, Geo. T. Wood,

and to the Honorable, the Senate and

House of Representatives :

GENTLEMEN :—I beg leave to lay before your honorable body, for its consideration and action, the following report:

The public domain of Texas, according to an estimate made by Mr. Robert Creuzbaur, principal draughtsman of this office, comprises an area of 379,054 square miles, or 242,594,560 acres. A line drawn from Red River to the Rio Grande, circumscribing the entire region of country in which surveys have been made, would include an area of 140,735 square miles, or 90,070,400 acres; leaving an area of 152,524,160 acres, in which no surveys have been made.

From the mouth of the Sabine to the mouth of the Rio Grande, our State has an extent of 375 miles on the Gulf coast.

The extent of our eastern boundary is estimated as follows :

	MILES.
The Sabine, from its mouth to its intersection with the 32° of north latitude, estimated by the course of the river, and including the pass and the lake,	299
From the Sabine to Red River,	106
Red River, by the course of the stream, to its intersection with the 100° of west longitude from Greenwich,	620
The meridian of the 100° from Red River to the Arkansas,	250
The Arkansas river, with its meanders, to its source,	640
Extent of our eastern and north eastern boundary,	1,915

That portion of our western boundary which is formed by the Rio Grande, from its mouth to its source, is estimated by the course of the river, at 2,210 miles.

In computing the length of the streams, small bends were not estimated.

Of the territory comprised within these limits, the following estimate has been made:

	ACRES.
There have been titled, by the former authorities of Spain and Mexico, according to the documents, of various kinds, on file in the General Land Office,	25,047,625
The amount of legitimate claims for land originating under the Government of the Republic, and State of Texas, liquidated and unliquidated, so far as known to this office, is	35,581,103
Making an aggregate of claims liquidated and unliquidated,	60,628,728

Leaving to Texas a public domain of 181,965,832 acres, after the liquidation of all legal claims for land known to exist against her.

In the above estimate of lands appropriated by Spanish titles, every species of claim of that description, without distinction, is included. Many of these will, doubtless, not be sustained by the courts; but these are questions which belong not to the General Land Office.

The claims here denominated "titled," may be subdivided into head-right claims, including all claims of a league and labor and under that amount; and large grants, embracing all over a league and labor, as follows:

Head-right claims,	15,512,747 acres.
Large grants,	9,534,878 "
	25,047,625 acres.

Of the claims originating under the Governments of the Republic and State of Texas, the following distribution may be made:

	ACRES.	ACRES.
1st class recommended,	19,044,111	
" " confirmed by the courts,	1,861,282	
" " by special acts,	179,894	21,085,287
2nd class recommended,	1,324,091	
2nd and 3d reported,	6,016,640	
" " confirmed by the courts,	97,920	
" " by special acts,	12,675	7,451,326
Bounty and Donation,		4,992,087
Land Scrip,		1,329,203
Fisher and Miller's colony,		723,200
		35,581,103

The claims originating under the present and former Governments of Texas, may be further classified as follows:

	ACRES.	ACRES.	ACRES.
1st class claims, aggregate,		21,085,287	
" " return'd and patented,	11,219,018		
" " ret'd and not patented,	4,304,380	15,523,398	
" " outstanding,			5,561,889
2nd and 3rd, aggregate,		7,451,326	
" " return'd and patented,	3,217,291		
" " ret'd and not patented,	1,334,936	4,552,227	
" " outstanding,			2,899,099
Bounty & Donation, agg.,		4,992,087	
" " return'd and patented,	2,194,828		
" " ret'd and not patented,	326,187	2,521,015	
" " outstanding,			2,471,072
Land Scrip, aggregate,		1,329,203	
" " returned and patented,	481,476		
" " ret'd and not patented,	183,996	665,472	
" " outstanding,			663,731
Amount of claims for land outstanding,			11,595,791
To which should probably be added those of Fisher and Miller's colony,			723,200
Aggregate,			12,318,991
To which, if we add the amount of claims returned and not patented,			6,149,499
We shall have the aggregate of unpatented claims known to exist,			18,468,490
Aggregate of claims patented,			17,112,613
<u>501,125,30</u>	Total amount,		53,581,103

With regard to first class claims, the courts having been closed against them, the office may be considered in possession of the entire amount of those claims, except those (presumed to be a small number) not yet reported by the clerks of the District Courts.

With regard to 2nd and 3rd class claims, many of the clerks of the Boards of Land Commissioners have not made their reports regularly, and notwithstanding it is believed that many quarters have not been reported, for the reason that no certificates were issued during those quarters, yet it is a known fact that certificates, in many instances, have been issued, which have not been reported; moreover, the Boards are still open; consequently, the information relative to this species of claim is necessarily imperfect.

I am indebted to the politeness of Col. John D. Pitts, Adjutant General, for a statement relative to bounty and donation claims, issued by the War Department up to the present date.

On the subject of land scrip, I have received, through the politeness of James B. Shaw, Esq., Comptroller, a statement of 1,220,387½ acres—the amount sold by the various agents of the Government, or unaccounted for by them, and supposed to be sold; to which I have added, 108,816 acres, issued by this office, by virtue of an act approved February 5th, 1840, making an aggregate of 1,329,203 acres.

On the 12th of May last, W. F. Evans, Esq., Commissioner of Fisher and Miller's colony, made his final report to this office, and returned his record books, in compliance with the 5th section of an act entitled "An act to secure to the colonists of Fisher and Miller's colony, the lands to which they may be entitled," approved March 20th, 1849, by which it appears that he has issued, under the authority of this act, 1,409 certificates; the amount of land for which these certificates have been issued being 723,200 acres, as already stated.

I have no means of ascertaining, or even forming a probable conjecture, as to the number of persons entitled to land in the colonies of Peters and Mercer, under the provisions of the ordinance adopted by the Convention on the 27th of August, 1845.

When I came into this office, I found on hand 2,623 blank patents; I received, on the 1st of June, 1848, a lot of 5,323, which were furnished under a contract made by my predecessor; the two lots amounting to 7,946. Some of this number are more or less injured, but there are only about 50 that are absolutely unfit to be used for patents. I have since received another lot of 5,414, under a contract made by myself with Mr. A. H. Bean, and subsequently another lot from the same individual of 1057. These two last mentioned lots, together with the expense of a

new plate, travelling expense of agent, and other incidental expenses, cost the sum of \$2,486 58 cents, leaving the balance of the appropriation for blank patents undrawn. In my contract with Mr. Bean, all the patents were to be delivered at this place, and they were insured to be of good quality, and the contract has been complied with.

The transactions of the office, in the article of blank patents, may be recapitulated as follows:

Blanks on hand March 21st, 1848,	2,623	
" received 1st June, 1848,	5,323	
" " under contract with Mr. Bean,	5,414	
" " " "	1,057	
	<hr/>	14,417
<i>Contra.</i>		
Blanks fit for use as patents on hand,	9,909	
" unfit for use as patents,	50	
" cancelled or spoiled in writing,	124	
Net number of patents made and recorded, from 21st March, 1848, to 1st Nov., 1849,	4,331	
	<hr/>	14,414

The patents issued since the organization of this office to the present time, or now lying in the office, ready to be issued, may be stated as follows:

From the organization to Feb'y 16th, 1846,	6,923
" 16th Feb'y, 1846, to the 13th Dec., 1847,	4,436
" 13th Dec., 1847, to the 21st March, 1848,	687
	<hr/>
Net total number to 21st March, 1848,	12,046
To which, if we add the number made from 21st March, 1848, to the present time,	4,331
We shall have as a net total, from the organization of the Land Office to the present time,	16,377
Of the foregoing number, there are now in the Land Office, ready for delivery, 1,113.	

From the 21st March, 1848, to the first of September, last, the date of my last quarterly settlement, I had collected and paid over to the Comptroller, in Texas treasury notes, and other liabilities of the Government, in the way of government dues and patent fees, the sum of \$42,307 24

I have collected and paid over, from the first of September to the present time, 3,123 00

Total amount collected, \$45,430 24

I had collected, up to the same quarterly settlement,
in par funds, under authority of an act approved
20th March, 1848, \$1,024 43

The expenses of the office, exclusive of salaries, from the 21st
March, 1848, to the present date, may be stated as follows:

Drawn from appropriation for blank patents,	\$2,486 58
Stationery,	110 00
Postage,	170 04
Contingent fund,	309 16

Total amount, exclusive of salaries, \$3,075 78

Nothing has been drawn by me, from the appropriation for
district and county maps.

During more than eight months, we have had but seven as-
sistant clerks in the Land Office—one of the gentlemen, attached
to the office in that capacity, having resigned in October, 1848;
and being able to do the business of the office with seven, the
vacancy was not filled until July last.

A large amount of additional labor was thrown on the office,
by the act regulating fees, to be charged by the Secretary of
State, Commissioner of the General Land Office, &c., approved
Mach 20th, 1848—this species of work, having been formerly a
matter of private emolument with the clerks, was done by them
out of office hours, but it has now necessarily become a regular
part of the business of the office, during office hours. I do not
complain of this; I believe the law to have been a good one, and
the force of the office has been sufficient for all purposes. I
merely advert to it, for the purpose of showing that this is a new
item, and has become an important one in the regular business of
the office.

Much labor has been bestowed on the formation of a new set
of indexes, arranged with an association of three letters, by which
the business of the office has been greatly facilitated: considera-
ble labor has, also, been done in the way of recording 2nd and
2nd class certificates, the records of which had fallen behind.—
But notwithstanding the additional labor here enumerated, the
number of patents actually made, during the time that I have
been in office, will compare favorably with any former period of its
existence of like extent. Let us compare it, for instance, with the
period intervening between the meeting of the first Legislature on
the 16th Feb'y, 1846, and the meeting of the second Legislature
on the 13th of December, 1847, a period of one year, nine months
and twenty seven days, during which time, there were made,
as shown by the records,—the net number, 4,436

The period from the 21st March, 1848, to the 1st of Nov., 1849, exclusive, is one year, seven months, and ten days; the difference between this and the former period being two months and 17 days. Patents made from 21st March, 1848, to 1st Nov., 1849—total number,

4,331

Add for difference of time, say 2½ months,

560 4,891

Difference in favor of latter period,

545

But if the number had been less, no censure could attach to the office, as every claim has been patented that was in a condition to be patented, and more was impossible.

Having thus laid before the Hon. Legislature, as succinctly as possible, the business done in the General Land Office, during the time that I have had charge of it, together with such facts as I thought might be interesting and useful, I will now proceed to give an account of some things which I considered it my duty *not to do*.

1st. I have declined receiving and registering in the Land Office, any documents purporting to be titles originating under the former Governments of Spain or Mexico. For a full explanation of the reasons which governed me in adopting this course, I refer to my letter to the Attorney General, a copy of which is hereto annexed; and his answer, a copy of which is also annexed.

2nd. I have declined receiving government dues on titled lands. The act approved January 15th, 1839, authorizes and requires "the Commissioner of the General Land Office to receive government dues on all surveys that may be returned to his office." This, I understand to mean, surveys returned to be patented, and no other species of claim; and upon this view of the law I have acted.

3rd. I have refused to patent lands in the settled portions of the Rio Grande. The situation of these settlers is peculiar; for while they were clearly within our limits, they have been compelled by the force of circumstances to submit to the jurisdiction of a foreign government, and have not had an opportunity of complying with our laws in relation to their lands; their surveys are, consequently, not represented on the maps. I was not willing, therefore, to take the responsibility of patenting, over settlements and rights of long standing, until the Legislature could have an opportunity of taking some action on the subject. If no action is taken on this subject, by the Legislature during its present session, I shall consider it my imperative duty, under the laws, to patent.

There is another subject, which I desire to bring before the Hon. Legislature; and that is, the condition of the settlers in Peters' and Mercer's colonies—particularly the latter; because the suit required to be instituted, by the ordinance passed by the Convention, on the subject of these colonies, having been decided against the contractors, this section of country would seem *now* to be thrown open to location; at the same time, it is very apparent, that if locating and surveying be permitted, indiscriminately, within the limits of this colony, great injustice may be done to the settlers, who are entitled to land under the ordinance, and the benevolent intentions of the Convention in passing, and of the people in adopting it, may, to a great extent, be defeated. For notwithstanding the rights of these colonists are fully provided for in the ordinance, they must necessarily remain dormant until there is some legal provision by which they can be defined and enforced.

I have felt it my duty to bring these subjects to the attention of your honorable body, and I invoke an expression of the Legislative will in relation to them. I trust that the path of duty will be made plain; and when so rendered, it will be my constant effort to pursue it.

I cannot close this communication, without adverting to a subject of paramount importance to our whole country: it is the propriety of ascertaining, and *fixing*, the amount of our liabilities for land, so as to place our public domain beyond the depredations of fraud. To accomplish this highly important object, all the Boards for the issuance of land certificates, both *special* and *general*, should be speedily closed, and remain so; and measures should be adopted to cause the certificates already issued, to be correctly reported to this office.

Our public domain is not only sufficient to pay all our just debts, incurred during our struggle for independence, but to afford homes for our children, and our children's children, for many generations, if properly husbanded; but if we would realize these benefits, we must protect it from fraud.

I would also call your attention to the propriety of making provision for the erection of a suitable fire-proof building, for the General Land Office. When I look around me, at the vast amount of interest! of such incalculable importance to the people of Texas, accumulated in this frail building, I tremble at the responsibility.

In conclusion, I earnestly request the Hon. Legislature to ap-

point a committee of both Houses to examine the condition of the Land Office, generally, to investigate all the facts here stated, and other facts within the purview of the office, upon which they may desire information.

I have the honor to be,

With great respect,

Your ob't serv't,

GEO. W. SMYTH,
Commissioner.

GENERAL LAND-OFFICE, }
AUSTIN, August 28th, 1848. }

Hon. JOHN W. HARRIS,

Attorney-General:

DEAR SIR:—Another question, of grave importance, presents itself. It is, as to the propriety of receiving and placing among the archives of the General Land Office, certain documents purporting to be land titles, issued by the former authorities of Mexico. These are sometimes presented in the form of originals, sometimes as first copies, and sometimes *copies of copies*.

The constitution and laws seem to contemplate, that the General Land Office shall be the repository of land titles; but it would seem that it could not have been intended, that every unauthenticated document which is presented should be received, without attempting to distinguish, even, the genuine from the spurious.

The constitution of the Republic of Texas declares that, "with a view to the simplification of the land system, and the protection of the people and Government from litigation and fraud, a General Land Office shall be established, where all the land titles of the Republic shall be registered," &c.

In pursuance of this constitutional provision, the general land law, approved 14th Dec., 1837, declares "that the Commissioner of the General Land Office shall have custody and control of all records, books, papers, and original documents, appertaining to the titles to lands, heretofore, and by the provisions of the law, denominated 'archives.'"

In a similar spirit, our State Constitution declares, (Art. 12th,) "There shall be one General Land Office, where all titles which have heretofore emanated, or may hereafter emanate, from Government, shall be registered," &c. &c.

This constitutional provision seems to contemplate further legislation, in order to carry it into effect.

Whether, in the absence of such legislation, any rule exists, by which documents, such as I have described in the first paragraph, can be received and archived, with safety to the country? and if any, what that rule should be? are questions which I respectfully submit to your consideration.

Respectfully, your ob't serv't,

GEO. W. SMYTH, *Commissioner.*

OFFICE OF ATTORNEY-GENERAL, }
AUSTIN, Sept. 5th, 1848. }

HON. GEORGE W. SMYTH,

Com'r Gen'l Land Office:

SIR:—I have had the honor to receive yours of the 28th of August, in which you ask my opinion as to the propriety of receiving and placing among the archives of the General Land Office, certain documents purporting to be titles, issued by the former authorities of Mexico. These, you add, are sometimes presented in the form of originals, sometimes as first copies, and sometimes as mere copies of copies.

In reply, I must state, that I know of no rule, prescribed by statute, by which these documents can be registered. All I have seen connected with the registry of such documents, is the 12th article of our State Constitution, which is referred to in your letter. This provides that "There shall be one General Land Office in the State, where all titles which have heretofore emanated, or may hereafter emanate, from Government, shall be registered" &c. Now, this does not say how they shall be authenticated for registry; or upon what testimony they shall be registered. This would be the legal test by which to distinguish the genuine from the spurious documents. I concur with you in thinking that the above provision of the Constitution seemed to contemplate some legislative action upon the subject.

As these documents have been withheld for an unreasonable time; as the matter in itself is very important; as the law has prescribed no rule, or amount of evidence, upon which they shall

be registered; and as the Constitution seems to contemplate the action of the Legislature upon the subject, I feel unwilling to prescribe any rule by which this should be done; nor will I advise that they be registered at all, until the mode be pointed out by the Legislature, to whom it properly belongs.

What I have said above, has reference to *original documents*. As to copies, and copies of copies, it is clear beyond all question that they cannot be registered.

I have the honor to be, your ob't serv't,

JOHN W. HARRIS, *Attorney-General*.

REPORT OF THE ADJUTANT GENERAL.

ADJUTANT-GENERAL'S OFFICE, }

AUSTIN, November 1st, 1849. }

SIR:—I have the honor, herewith, to transmit full returns with the transactions of this office from the 1st day of December, 1847, until the 1st day of November, 1849.

The accompanying return marked No. 1, exhibits the total amount and number of Bounty and Donation Claims issued under the Government of the Republic of Texas, and the State, up to the 1st November, 1849, with the amount, in acres, of this description of claims; also shows the number and total amount of duplicate land warrants issued under the State Government.

Return No. 2, contains the number of mounted rangers called into, and mustered in, the service of the United States, by order of the Secretary of War, and by your Excellency, from the 1st day of December, 1847, until the 1st day of November, 1849.

Return No. 3, contains the number of mounted rangers discharged by order of the Secretary of War, and the expiration of service, as per muster rolls filed in this office.

Return No. 4, contains the number of commissions issued to militia officers, with their several grades in office; also, the number of commissions issued to the volunteer officers of mounted rangers, in the service of the United States.

The organization of the militia, under the present law, has been greatly retarded—owing, in a great measure, to the defects of the 10th section of the act organizing the militia of the State; and it almost amounts to an impossibility to fully organize the militia under the provisions of the same.

The amount of bounty and donation land claims which have not been applied for, is very considerable; and consists chiefly of claims of the smaller denominations (240 and 320 acres.) The law in relation to pay and bounty lands of the late regiment of

regular infantry, required that warrants should be issued "only to original holders or (soldiers) their heirs or legatees." Comparatively speaking, very few have been issued of this class of claims; because of the fact, that a large number of these discharges have been transferred, and applied for; but owing to the requirements of the law, certificates for land could not be issued. I would most respectfully call your attention to the report of Col. Wm. G. Cooke, on this subject.

The receipts of this office for office fees, since the 21st of March, 1848, have amounted to one hundred and forty-three dollars fifty-three cents for land-certificates and certified copies of papers on file in this office.

I would most respectfully call your Excellency's attention to the subject of the military buttons, now deposited in this office, purchased under the Republic of Texas. They would bring some revenue in to the State, if they were ordered to be sold.

I have the honor to be,

Very respectfully,

Your ob't serv't,

JNO. D. PITTS,

Adj't General.

His Excellency GEORGE T. WOOD,
Governor of Texas.

NO. 1.

Showing the number of Bounty Land Warrants issued, with the total amount of acres, during the Government of the Republic, and also under the State Government, up to the 1st of November, 1849.

NUMBER OF CLAIMS.	DENOMINATION OF CLAIMS.	ACRES.	TOTAL AMT. OF EACH CLAIM.
6	claims of	160	equal to 960
29	"	240	" 6,960
2,310	"	320	" 739,200
166	"	480	" 89,680
1,027	"	640	" 657,280
50	"	800	" 40,000
284	"	960	" 272,640
8	"	1,120	" 8,960
1,351	"	1,280	" 1,729,280
226	"	1,920	" 433,900
5,457			3,968,860

Bounty Lands issued under Colonel Wm. G. Cooke's term of service in this office, in the years 1846 and 1847.

NUMBER OF CLAIMS.	DENOMINATION OF CLAIMS—ACRES.	TOTAL AMOUNT OF ACRES OF EACH DENOMINATION.
26	claims of 240	equal to 6,240
59	" 320	" 18,880
41	" 640	" 26,240
11	" 960	" 10,560
24	" 1,280	" 30,720
13	" 1,920	" 24,960
		<hr/>
Total amount issued in 1846,		117,600
		<hr/>
24	" 240	" 5,760
66	" 320	" 21,120
36	" 640	" 23,040
5	" 960	" 4,800
27	" 1,280	" 34,560
14	" 1,920	" 26,880
		<hr/>
346	Total amount issued in 1847, 116,160	

Bounty Lands issued from 1st December, 1847, until the 21st March, 1848, by Col. Charles L. Mann, Acting Adjutant-General.

NUMBER OF CLAIMS.	DENOMINATION OF CLAIMS—ACRES.	TOTAL AMOUNT OF ACRES OF EACH DENOMINATION.
4	claims of 240	equal to 960
13	" 320	" 4,160
7	" 640	" 4,480
1	" 960	" 960
4	" 1,280	" 5,120
2	" 1,920	" 3,840
<hr/> 31		<hr/> Total amount, 19,520

Bounty Lands issued from 21st March, 1848, until 1st January, 1849.

NUMBER OF CLAIMS.	DENOMINATION OF CLAIMS—ACRES.	TOTAL AMT. OF ACRES OF EACH DENOMINATION.
7	claims of 240	equal to 1,680
35	" 320	" 11,200
11	" 640	" 7,040
2	" 960	" 1,920
4	" 1,280	" 5,120
3	" 1,920	" 5,760
—		
62		Total amount issued, 32,720

Bounty Lands issued from 1st January, 1849, until the 1st November, 1849.

NUMBER OF CLAIMS.	DENOMINATION OF CLAIMS—ACRES.	TOTAL AMT. OF ACRES OF EACH DENOMINATION.
7	claims of 240	equal to 1,680
29	" 320	" 9,280
10	" 640	" 6,400
2	" 960	" 1,920
5	" 1,280	" 6,400
3	" 1,920	" 5,760
		Total amount issued, 31,440

Duplicate Bounty Lands issued under Col. Cooke,	64,000
Duplicates issued from 1st December, 1847, until 1st November, 1849,	30,000
Acres,	94,880

Certificate, for 1,608* acres, issued to James P. Wallace, by special act of the Legislature, approved March 15th, 1848,	1,608
Certificate, for 2,200 acres, issued to R. M. Williamson, by special act of the Legislature, approved March 15th, 1848,	2,200
Certificate, for 960 acres, issued to E. D. Holland, by special act of the Legislature, approved Jan'y 26th, 1848,	960
Certificate, for 1,650 acres, issued to Allen Killough, by act of the Legislature, approved March 20, 1848,	1,659
	6,427

RECAPITULATION

Issued under the Republic,	3,968,860
" by Col. Wm. G. Cooke,	233,760
" " C. L. Mann,	19,520
From 21st March, 1848, until 1st Nov., 1849,	64,160

	4,286,300
Add by special acts of the Legislature,	6,427

	4,292,727
From which deduct duplicates,	94,880

Total amount issued against the Government 4,197,847

Showing the number of Donation Land Warrants issued, with the total amount of acres, and for what service, during the Government of the Republic, and also under the State Government, up to 1st November, 1849.

NUMBER OF CLAIMS.	BATTLES—SERVICES PERFORMED IN.	ACRES.	TOTAL AMT. OF EACH DENOM'N.
607	San Jacinto.	640	equal to 388,480
223	Bexar,	640	" 142,720
155	Goliad,	640	" 99,200
25	Coletto,	640	" 16,000
61	Harrisburg,	640	" 39,040
60	Alamo,	640	" 38,400
1,131			723,840

Donation Lands issued under Col. Wm G. Cooke's term of service in this office, in the years 1846 and 1847.

NUMBER OF CLAIMS.	BATTLES—SERVICES PERFORMED IN.	ACRES.	TOTAL AM'T OF EACH DENOM'N.
17	San Jacinto,	640	equal to 10,880
11	Coletto,	640	" 7,040
6	Harrisburg,	640	" 3,840
16	Storming of Bexar,	640	" 10,240
3	Alamo,	640	" 1,920
53			
10	Coletto,	640	Total amount issued in 1846, 33,920
2	Harrisburg,	640	" 6,400
10	Storming of Bexar,	640	" 1,280
3	Alamo,	640	" 6,400
16	San Jacinto,	640	" 1,920
41			10,240

Total amount issued in 1847, 25,240

Donation Lands issued from 1st December, 1847, until the 21st March, 1848 by Col. C. L. Mann, Acting Adjutant Gen.

4	San Jacinto,	640	"	2,560
1	Alamo,	640	"	640

5		Total amount,		3,200
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Donation Lands issued from the 21st March, 1848, until 1st January, 1849.

13	San Jacinto,	640	"	8,320
6	Storming of Bexar,	640	"	3,840
4	Harrisburg,	640	"	2,560
1	Goliad,	640	"	660

24		Total amount,		15,360
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Donation Land issued from 1st January, 1849, until the 1st November, 1849.

NUMBER OF CLAIMS.	BATTLES—SERVICES PERFORMED IN.	ACRES.	TOTAL AM'T OF EACH DENOM'N.
9	San Jacinto,	640	equal to, 5,760
7	Storming of Bexar,	640	" 4,480
2	Harrisburg,	640	" 1,280
9	Goliad,	640	" 5,760
2	Coieto,	640	" 1,280

29		Total amount,		18,560
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RECAPITULATION.

Total amount issued under the Republic,	723,840
" " " by Col. Cooke,	60,160
" " " " Mann,	3,200
" " " from the 21st March, 1848,	
to November 1st, 1849,	33,920
	<hr/>
	821,120

From which deduct 26,880 acres, the warrants for which have been lost and are cancelled—duplicates having been issued for the same, in accordance with an act approved February 5th, 1840.

Duplicate Land Warrants issued by Col. Cooke,	9,600
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Duplicate Land Warrants issued by Col. C. L. Mann,	1,920
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" from the 21st March, until 1st Nov., 1849,	15,360
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Amount of donations against the Government,	794,240
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ADJUTANT-GENERAL'S OFFICE, }	JNO. D. PITTS,
AUSTIN, November 1st, 1849. }	Adj't General.

NO. 2.

Statement of the number of Volunteers from the State of Texas, called into Service of the United States since the 1st day of December, 1847, until 1st day of November, 1849.

NAMES OF OFFICERS COMMANDING REGIMENTS.	NAMES OF OFFICERS COMMANDING COMPANIES.	WHEN CALLED INTO SERVICE.	TERM OF SERVICE.	AGT'S OFFICERS, NON-COM. & MEN.	REMARKS.
Col. John C. Hays, until July 10, 1848.	William Fitzhugh, John H. Conner, Sam. Highsmith, James S. Gillet,	Feb. 2, 1848, May 5, " 15, " June 16, 1848,	12 mths, " " "	91 97 94 95	Stationed El n Fork, Trinity. Conner's Station. Enchanted Rock. Camp Arbuckle.
Col. P. Hainsbrough Bell, from July 11, 1848.				Total 377	

Continued in Service by his Excellency, the Governor.

Jacob Roberts,	Oct. 20, 1848,	12 mths,	79	"	Rio Blanco.
H. E. McCulloch,	" 25, "	" "	79	"	Hamilton's Valley
J. S. Sutton,	" 27, "	" "	79	"	Near Corpus Chr
B. F. Hill,	" 27, "	" "	78	"	Medina.
S. P. Ross,	Nov. 19, 1848,	" "	79	"	Bosque Station.
			Total, 364		

Called into Service by his Excellency, the Governor, for the Protection of the South Western Frontier.

James M. Blackwell,	June 10, 1849,	3 "	111	"	Near Corpus Chr.
Isaac W. Johnson,	July 7, "	6 "	50	"	S. Antonio river.
			161		

Called into service by his Excellency, the Governor, by a Requisition of Brevet Major-General Brooke, under the authority of the President of the United States.

John S. Ford,	Aug. 23, 1849,	6 months,	77
John J. Grumbles,	" 25, "	" "	77
Jerome B. McCown,	Sept. 14, "	" "	77
			<hr/> 231

RECAPITULATION.

Under the Secretary of War,	377
Continued in service by his Excellency, Gov. Wood,	394
Under the order,	161
Under the requisition of Brevet Major-General Brooke,	231
	<hr/>
Total,	1,163

JNO. D. PITTS,
Adj't General.

ADJUTANT GENERAL'S OFFICE,
Austin, November 1st, 1849. }

No. 3.

TABLE showing the number of Mounted Volunteer Rangers discharged, and at what time in 1848, and in 1849, in accordance with the Discharge Rolls furnished this office.

NAMES. FIELD AND STAFF OFFICERS.	DATE OF DIS- CHARGE.	AGGRE- GATE.
Col. P. Hansbrough Bell,	Feb'y 15, 1849,	1
Lieut. Col. Middleton T. Johnson,	" "	1
Major James S. Gillet,	" "	1
Adjutant James M. W. Hall,	" "	1
Sergeant-Major Charles A. Harrison,	" "	1
		5
NAMES OF CAPTAINS COMMANDING COMPANIES.		
William Fitzhugh,	Feb'y 1, 1848.	92
John A. Veatch,	Sept. 20, "	94
Mirabeau B. Lamar,	" 27, "	89
William G. Crump,	" 30, "	92
John S. Sutton,	Oct. 6, "	91
Henry E. McCulloch,	" 24, "	95
Shapley P. Ross,	" 19, "	91
Harman Warfield,	Dec. 16, "	90
Samuel Highsmith,	" 26, "	96
John H. Conner,	" 31, "	93
William Fitzhugh,	Feb'y 2, 1849,	90
Jacob Roberts,	Dec. 17, 1848,	79
John S. Sutton,	" " "	79
Ben. F. Hill,	" " "	79
Total,		1,255

JNO. D. PITTS,
Adj't General.

ADJUTANT-GENERAL'S OFFICE, }
AUSTIN, November 1st, 1849. }

No. 4.

TABLE, showing the number of Commissions issued from this Office since the 1st day of December, 1847, until the first of November, 1849, with their several Ranks in the Militia; also the number of Commissions issued to the Mounted Volunteer Rangers.

Number of Commissions issued by Col. Mann, Acting Adjutant General, from the 1st Dec., 1847, until 21st March, 1848.

MAJ. GEN.	COL.	LT. COL.	MAJ.	CAPT.	1ST LT.	2D LT.
2	4	3	9	8	8	

Recapitulation.

Colonels,	2	Captains,	9
Lieut. Colonels,	4	1st Lieutenants,	8
Majors,	3	2d Lieutenants,	8
	9		25

Total, 34

Number of Commissions issued from 21st March, 1848, until November 1st, 1849.

MAJ. GEN.	COL.	LT. COL.	MAJ.	CAPT.	1ST LT.	2D LT.
2	2	2	1	30	28	30
				Cavalry officers,	2	2
						3

Recapitulation.

Major-Generals,	2	Captains,	30	CAVALRY.	
Colonels,	2	1st Lieut's,	28	Captains,	2
Lieut. Colonels,	2	2d Lieut's,	30	1st Lieut's,	2
Major,	1			2d Lieut's,	3
	7		88		7
			7		95
			95		102

Commissions issued to Mounted Volunteer Rangers.						
COL.	LT. COL.	MAJ.	ADJ'T.	CAPT'S.	1ST L'TS.	2D L'TS.
1	1	1	1	12	12	17

Recapitulation.

Colonel,	1	Captains,	12
Lieut. Colonel,	1	1st Lieutenants,	12
Major,	1	2d Lieutenants,	17
Adjutant,	1		—
	—		41
	4		—45
Under Colonel Mann,			34
From 21st March, 1848,			102
to the 1st November, 1849,			45
		Total,	181
ADJUTANT-GENERAL'S OFFICE, }			JNO. D. PITTS,
AUSTIN, November 1st, 1849. }			Adj't General.

PENITENTIARY REPORT.

To his Excellency, the Governor of the State of Texas :

The undersigned, Directors of the State Penitentiary, in pursuance of the requirements of the act approved 13th March, 1848, establishing that institution, respectfully report, that they held their first meeting on the 5th day of August, 1848, and, after organizing and providing stationery, proceeded to have the lot cleared off, and a well dug and walled up. The plan which they then adopted was submitted to you, and by you approved. The plan of the institution, with the alterations since made, with your approbation, is hereto annexed. The wall, when completed, will be three hundred feet square; and will probably be large enough to answer the purpose of the law establishing it, for many years. It is proposed to make the outer wall three feet thick, and fifteen feet high. Three prisons are proposed: B., the east prison, containing eighty-six cells for convicts, and two dark cells or dungeons, for the punishment of the refractory: C., the west prison, containing thirty-six cells; and intended, if necessary, for female convicts: D., the south prison, one hundred and forty-four cells—making, in all, two hundred and sixty-six cells and two dungeons. Each male cell is five feet wide, seven feet long,

and eight feet high. The cells for females are a foot more in width, but in other respects, of the same size. The dungeons are each as large as two male cells. Each of the prisons is eight feet from the inside of the outer wall, and is surrounded by a wall the same distance from it.

The centre building, A., is sixty by forty-three feet; is two stories high, and includes six rooms in front and four back. The front rooms are designed for the Superintendent's dwelling and office; the backrooms, for hospital, storehouse, &c., A passage at P, opens into the centre building outside the main enclosure. The main entrance (E) into the penitentiary opens into an enclosure thirty-feet wide and forty-three long: an open iron railing will separate this space from the yard. It will have an outer and inner gate, one of which will always be kept closed. Small rooms on the east side of this enclosure, and also over head, are designed for the guard and officers of the institution.

The workshops will be located along the east and south sides of the outer wall—those for females south of and adjoining their prison. It is designed to construct reservoirs at the points marked R, in the plan. The cook-house and pantry are placed in the north-east corner of the yard.

The almost constant rains that have fallen during the last year, have greatly retarded the progress of the work; yet, by the persevering exertions of our excellent superintendent, the cells marked B, are finished, with the exception of floors and locks.—The outside wall surrounding the prison, B, has been commenced and carried up some two or three feet above the surface of the ground.

The walls of the cells are two feet thick, of hard brick—all the materials are excellent; the work is well done, and will probably last as long as it will be needed. The lower tier of cells is surrounded by an iron grate of two inch iron bars, five inches apart, and wrought into the inside of the brick walls so as to be invisible, and to render an escape, even without a guard, impossible.

For those cells that have been erected, iron doors of open lattice work have been made and hung. We have been greatly indebted to Mr. Bays, the ingenious blacksmith employed by the Board, for the neatness and strength displayed in these doors and their hangings.

It was the intention of the Board, at first, to lay the foundation of the building of stone; but when we came to make an estimate of the expense of such a foundation, and the means appropriated, and heard the opinions of those who had been much engaged in building in the south, we determined to lay the foundation of hard

bricks. So far as we have gone, we have pursued this course—laying the foundation very deep, and double the thickness of the wall.

In starting this the first work of any importance in this State, we found many difficulties growing out of the want of a market for the purchase of materials. In the first place, it was doubted by some whether good bricks could be made, in this country.—This doubt was favorably settled by the exertions of the brick-makers, who have succeeded in manufacturing as good bricks as can be found in the Southern States.

Lime was another item of great importance. We have used the northern lime—the lime from Springfield in Limestone county, and from Williamson county. The last-named lime has the finest appearance, but has not the same cementing qualities possessed by the northern lime. The Springfield lime is good, but has between twelve to twenty per centum of sand mixed with it.

Another inconvenience arose from the difficulty of procuring laborers. The penal code having gone into operation on the 1st day of January last, the Board believed it a matter of the first importance to erect, as soon as possible, suitable cells for the reception of convicts under that act. Such laborers as were procured had to be paid according to the fluctuating demand for them elsewhere. The act under which we were appointed, required that we should employ them; so that if an occasion offered for hiring a laborer, by the time we could have a meeting, the chance was gone.

Another inconvenience arose from the fact, that when the work was done, we could only pay in drafts to be cashed at Austin.

All these hindrances can be avoided; and as a remedy in part, we would suggest that the law be so amended as to authorize the appointment or election of an agent, whose duty it shall be to make all the purchases and sales for the penitentiary, and to hire such common laborers as may be needed—in other words, let him attend to all the business of the penitentiary to be transacted with those without. Let the Superintendent attend to the management and discipline of the prison. Let him, also, enter into suitable bonds, and receive and pay out all the moneys due the institution, either from the State or individuals. This is the system adopted by most of the States, in regard to their common prisons, and has been found to work well.

Should the Legislature think proper to adopt this course, we would recommend that they apply the amount allowed the Directors to the pay of the agent, with such additional sum as would secure the services of a man of integrity and business

habits. The compensation now allowed the Directors is no inducement to them to render the services; and they would gladly remit it, to get clear of those functions which could be much better performed by one than three.

Under the system proposed, the Superintendant and Agent will be a mutual check upon each other; and those to whom money is due for labor or materials, will always find it ready at the place, and will consequently work cheaper.

With the start that is made, and the large stock of materials and experience gathered during the past year, it is expected that an appropriation of the same amount with that made last year, will be sufficient to answer the wants of the penitentiary. It is, of course, desirable that the wall should be completed, so that the convicts could be secure without the ball and chain; but to do this during the coming year, would require an appropriation of fifty thousand dollars. Presuming that the finances of the State would not justify such an expenditure within that time, we would ask enough to complete the east prison, and to put up and complete the centre building.

We have already incurred some expense in erecting temporary blacksmiths and carpenters shops, and a guard house: a store house, kitchen, and hospital, are indispensable; and when built, should be well built. The Superintendant should also have a house for himself and family. During the past year, we have used a small house (which we rented) as an office, and a residence for the Superintendant.

From a considerable portion of the land purchased by the Commissioners for the use of the penitentiary, the timber has been taken. As it will be of no use to the State for any other purpose, we recommend that you authorize us to sell such of it as is stripped of the timber; or what would, perhaps, answer a more valuable purpose, authorize us to exchange it for other timbered lands. Notwithstanding the timber is taken from it, its proximity to town will always make it bring as much or more than it cost.

We submit to you, with this report, a copy of the rules established, for the government and discipline of the penitentiary.

We would also suggest that a law be passed, prohibiting persons, not employed about the penitentiary, from intruding on the workmen and convicts. Until the ground is enclosed by a wall, it will be impossible, without some such legal prohibition, to enforce the rules of order, industry, and security, so indispensable in such an institution.

The expenditures for the use of the penitentiary, from the or-

ganization of the Board to the thirteenth day of September, 1849, are eighteen thousand six hundred and sixteen dollars and six cents. We have presented the details of these expenditures in two statements, numbered 1 and 2, annexed to this report. The first is a statement of drafts, or certificates, issued by the Superintendent, with our approval. The second exhibits the objects for which these drafts were issued, with a recapitulation. We have also annexed hereto a third statement, showing the property, materials and tools on hand, and belonging to the penitentiary, on the 30th day of September, 1849.

We annex, also, to this report, the estimate of the Superintendent, made upon the suggestions contained in this report.

As yet, we have received no convicts. It is supposed, however, that during this fall and the next spring, several will be received and committed. The estimate for ordinary expense is subject to so many contingencies, that little dependence can be placed on it. It will, of course, depend greatly upon the number of convicts received.

The Board have, as yet, appointed no under officers, except an assistant to the Superintendent. It became necessary to make this appointment, in order to a correct receipt of materials, a correct execution of the work, and a correct statement of accounts. The Board allowed him for his services, thirty-three and one-third dollars per month.

Respectfully submitted,

H. YOAKUM,
J. M. MAXCY,
T. G. BIRDWELL.

Huntsville, Texas, October 1, 1849.

I. STATEMENT

Of Drafts issued by Superintendent and Directors of the Texas Penitentiary from the organization of the Board to 30th September, 1849, inclusive.

NO. OF DRAFT.	DATE OF ISSUE.	TO WHOM ISSUED.	FOR WHAT
1,	Oct. 2, 1848,	J. Branch & A. G. Leas,	Blacksmith Shop
2,	" 7, "	Glover W. Banton,	Digging and wa
3,	" " "	F. Hatch,	Printing blanks
4,	" " "	Wm. D. Lehr,	Clearing off Pen
5,	" " "	Rice and Nichols,	Books and Statio
B. 5,	" " "	John McCreary,	Salary Ast. Supe
6,	Nov. 3, "	A. A. Moore,	Office Furniture
7,	" " "	John Randolph,	Oak Sawed Lun
8,	" " "	M. C. Rogers,	Salary, as Direct
9,	Oct. 30, "	John C. Smoot,	Freight from Ho
10,	Nov. 9, "	Raleigh Rogers,	Office Rent,
11,	" 10, "	Alfred S. Brigance,	Freight from He
12,	" " "	A. D. Kenard,	Freight from Ho
13,	Dec. 8, "	J. Branch & A. J. Leas,	Bridge on Lost C
14,	" " "	John A. Fox,	Blacksmith Wor
15,	" 9, "	Fuller & Jones,	Chairs, &c.,
16,	" " "	J. C. & S. R. Smith,	Goods,
17,	" " "	T. & S. Gibbs,	Merchandize,
18,	" 12, "	A. H. Cook,	Labor,
19,	" " "	John Branch,	Hire of Negroes,

20,	Dec. 12, 1848,	Albert G. Leas,	Hire of Negroes,
21,	" " "	John C. Ransom,	" "
22,	" " "	William A. Leigh,	" "
23,	" " "	A. H. Cook, Supt.,	Salary,
24,	" " "	James M. Maxey,	" in part,
B. 24,	Jan. 24, 1849,	A. H. Cook,	Freights from Ho
25,	" " "	James T. Patison,	" "
26,	" 26, "	M. C. Rogers, Ast. Supt.,	Expenses to Spr
27,	" " "	Robert D. Harris,	Hewn Pine Lum
28,	" " "	Rice & Nichols,	Merchandize,
32,	" 30, "	Stephen Johnson,	Carpenter's Work
33,	" " "	B. S. Wilson,	Iron, &c.,
34,	" " "	M. C. Rogers, Ast. Supt.,	Salary,
35,	" " "	Raleigh Rogers,	Office Rent,
36,	" " "	James Gillespie,	Brick,
37,	Feb. 1, "	Philip Yoas,	Stone Cills and L
38,	" " "	E. H. Allen,	Brick Masonry,
39,	" 6, "	T. & S. Gibbs,	Iron, &c.,
40,	" " "	Alexander McDonald,	1. Vise,
41,	" " "	J. W. D. Creath,	Plank Drum for V
42,	" 7, "	George W. Bays,	Blacksmith Work,
43,	" 13, "	Rice & Nichols,	Tools,
44,	" 19, "	William M. Barrett,	Master Carpenter, i
46,	" " "	John C. Ransom,	Hire of Negro,
47,	March 10, 1849,	Sydnor & Bone,	Lime, &c.
48,	" " "	William Viser,	Sawed P. Lumber,
50,	" " "	Thomas Routt,	Brick Masonry,

51,	March 10, 1849,	Rufus K. Gordon,	Brick Masonry,
52,	" " "	John Stamps,	" " an
53,	" " "	B. S. Wilson,	Iron and Shingles,
54,	" " "	E. H. Allen,	Brick Masonry,
55,	" " "	Charles O. Johnson,	" "
56,	" " "	Sam'l A. Jones,	" "
57,	" " "	A. H. Cook, Supt.,	Expenses to Galve
58,	" " "	James Gillespie,	Brick Masonry,
59,	" " "	T. G. Birdwell, Director,	Salary,
60,	" 30, "	Close and Adams,	Balls and Chains,
61,	April 2, "	M. C. Rogers, Ast. Supt.,	Salary,
62,	" " "	Joseph W. Green,	Freight from Cinc
63,	" 4, "	B. S. Wilson,	Freight and Iron,
64,	" " "	James T. Christmas,	Freight from Cinc
65,	" " "	James Paul,	" "
66,	" " "	Stephen Johnson,	Labor as Carpenter
67,	" " "	James Morris,	Scaffold Poles,
68,	" " "	James M. Maxey,	Salary as D. and e
69,	" 11, "	John Jutson,	Freight from Cinc
70,	" 21, "	John Randolph,	Sawed P. Lumber,
73,	" 24, "	Hatch & Oxbury,	Printing 400 copie
74,	" 30, "	Sam'l A. Jones,	Brick Masonry,
75,	" " "	Charles O. Johnson,	"
76,	" " "	A. H. Cook,	Freight to Steamer
77,	" " "	John Stamps,	Brick,
78,	May 1, "	George W. Grant,	Coal Wood,
79,	" 4, "	John Moore,	Labor,

80,	"	18,	"	G. W. & W. L. Rogers,	Merchandize,
81,	"	19,	"	William Phipps,	Lime,
82,	"	25,	"	Geo. W. Walker,	"
83,	"	"	"	Samuel A. Jones,	Brick Masonry,
84,	"	"	"	James Gillespie,	"
85,	"	26,	"	J. P. Harrall, Capt.,	Freight, to Steamer
86,	"	30,	"	John E. Chism,	Lime,
87,	"	31,	"	Sam'l Hill,	Freight from Cincinnati
88,	"	"	"	James Morris,	"
89,	"	"	"	John Gray,	"
90,	"	"	"	James T. Christmas,	"
91,		"		Joshua Brooks,	Coal Wood,
92,		"		E. H. Allen,	Brick Masonry,
93,	June	1,		Alexander Galloway,	Freight from Cincinnati
94,	"	2,		M. C. Rogers, Ast. Supt.,	Salary,
95,		2,		Sasser & Wisdom,	Freight from C. &
96,		2,		William M. Barrett,	Mas. Carpenter, in
98,		4,		James King,	Freight from Cincinnati
99,		"		David Conner,	Brick; Nos. 99, 100
102,		"		John Stamps,	Brick,
103,		"		George W. Buys,	Master Blacksmith,
104,		5,		Raleigh Rogers,	Office Rent,
105,		"		William A. Leigh,	Negro hire,
106,		"		J. Carroll Smith,	"
107,		"		John Branch,	"
108,		"		Albert G. Teas,	"
109,		"		Stephen Johnson,	Carpenter Work,

110,	June 5, 1849,	Charles O. Johnson,	Brick Masonry,
111,	6,	A. H. Cook, Supt.	Salary,
112,	"	A. H. Cook,	Bill of Labor & pay
113,	"	A. H. Cook,	Draft to close his A presented at the T
114,	9,	Abednego Adams,	Brick Masonry,
115,	"	James M. Warren,	"
116,	"	Francis L. Cabinis,	Striker to Blacksmi
117,	30,	"	"
118,	July 2,	John Randolph,	Sawed Lumber,
119,	"	M. C. Rogers, Ast. Supt.	Salary, &c.
120,	"	Charles O. Johnson,	Brick Masonry,
121,	"	Abednego Adams,	"
122,	"	James M. Warren,	"
123,	"	E. H. Allen,	"
124,	"	Albert G. Teas,	Negro Hire,
125,	"	Mrs. ——— Lea,	Negro Hire,
126,	31,	M. C. Rogers, Ast. Supt.	Salay,
127,	"	Abednego Adams,	Brick Masonry,
128,	"	Charles O. Johnson,	Brick Masonry,
129,	"	E. H. Allen,	Brick Masonry,
130,	"	James M. Warren,	Brick Masonry,
131,	"	John H. Jergin,	Striker to Blacksmi
132,	"	T. & S. Gibbs,	Iron, &c.
133,	"	G. W. & W. L. Rogers,	Scaffold Rope, &c.
134,	"	J. C. & S. R. Smith,	Negro Hire, Iron, &
135,	Aug. 2,	Sydnor & Bone,	Drayage & Wharf

136,	"	Thomas G. Birdwell,	Salary as Director,
137,	4,	David Conner,	Brick,
138,	7,	George W. Buys,	Master Blacksmith,
139,	10,	John Stamps,	Brick, in Nos. 139 & 1
141,	"	David Connor,	Brick,
142,	18,	Gabriel S. Springfield,	Lime,
143,	"	George W. Walker,	Lime,
144,	21,	David Conner,	Brick,
145,	"	David Conner,	Brick,
146,	"	B. S. Wilson,	Iron, &c.
147,	24,	E. H. Allen,	Brick Masonry,
148,	"	Charles O. Johnson,	Brick Masonry,
149,	"	Abednego Adams,	Brick Masonry,
150,	"	James M. Warren,	Brick Masonry,
151,	28,	M. C. Rogers, Asst. Supt.	Salary,
152,	"	Stephen Johnson,	Carpenter Work,
153,	Sept. 6,	John E. Chism,	Lime,
154,	"	Daniel M. Baker,	Lime,
155,	8,	J. M. Alexander,	Negro Hire,
156,	13,	Nathan S. Tabor,	Freight from Houston,
157,	17,	Albert G. Teas,	Negro Hire,
158,	"	Barrett & Simons,	Painting, Glazing, &c.
159,	"	Rice & Nichols,	Roofing Tin,
160,	"	Raleigh Rogers,	Office Rent,
161,	"	William M. Barrett,	Master Carpenter,
162,	29,	A. H. Cook, Supt.	Salary,
163,	"	A. H. Cook,	Negro Hire, Wagon &

164,	Sept. 29, 1849,	J. Carroll Smith,	Negro Hire,
165,	25,	David Conner,	Brick; in Nos. 16
			\$200; and 170
167,	"	John Stamps,	Brick; in No. 167,
			168, \$103 19; No
171,	29,	M. C. Rogers, Ast. Supt,	Salary,
		Sydnor & Bone,	Lime—19th May,
			in a Draft on
			drawn from the
			quisition 31st M
			that purpose,
172	Sept. 29,	James M. Maxey, Direct'r,	Salary,
173,	"	Thomas G. Birdwell, "	Salary,

HUNTSVILLE, T

I, Abner H. Cook, Superintendent and Clerk of the Texas Penitentiary, going statement of Drafts drawn upon the Comptroiler of the State of Texas, is correct,

APPROVED:

H. YOAKUM,	} <i>Directors.</i>
J. M. MAXCY,	
T. G. BIRDWELL,	

II. STATEMENT

*Of the Objects of expenditure and Payments made for the use of the T
Organization of the Board of Directors up to the 30th day of Se*

1—Brick.

NO OF DRAFT.	DATE OF ISSUE.	TO WHOM ISSUED.	M.
36	Jan'y 30, 1849,	James Gillespie,	240,283
77	April 30, "	John Stamps,	\$268 50 29,376
102	June 4, "	"	288 12 31,518
139	Aug. 10, "	"	1,289 72 141,108
167	Sept. 25, "	7,443—\$68.03; 11,289, { \$103.19; 29,166, \$266.57 }	437 79 47,998
		Stamps,	250,000
99	June 4, 1849,	David Conner,	\$407 18 58,169
137	Aug. 10, "	"	72 80 10,400
141	" "	"	450 00 64,287
144	" "	"	400 00 57,142
145	" "	"	84 02 12,004
165, '6, 70	Sept. 25, "	"	542 21 77,459
		Conner,	279,461
		Bricks, total number,	769,744

2—Lime.

			BBLs.	
28	Dec. 26, 1848,	Rice & Nichols,	66	
47	March 10, '49,	Sydnor & Bone,	155	\$214 57
	May 19, " "	"	200	400 00
				<hr/>
81	" "	William Phipps,	35	
82	25, " "	Geo. W. Walker,	35 $\frac{3}{4}$	159 00
143	Aug. 18, " "	"	9 $\frac{3}{4}$	38 67
				<hr/>
86	May 30, " "	John E. Chism,	36	108 00
153	Sept. 6, " "	"	86	344 00
				<hr/>
163	Aug. 1, " "		2	
142	Aug. 18, " "	Gabriel S. Springfield,	10	
154	Sept. 6, " "	Daniel M. Baker,	20	
			<hr/>	
		Barrels, total,	655 $\frac{1}{4}$	

			3— <i>Bar Iron,</i>	LBS.	LBS.
					15,132
28	Jan. 26, 1849,	Rice & Nichols,			26
24	8, "	Robert Smither,			
33	30, "	B. S. Wilson,	\$23 72	275 $\frac{3}{4}$	
53	March 10, "	"	32 17	396 $\frac{1}{2}$	
63	April 4, "	"	4 00	50	
146	Aug. 21, "	"	10 36	129 $\frac{1}{2}$	851
39	Feb'y 6, "	T. & S. Gibbs,	18 72	234	
132	July 31, "	"	28 99	446	680
47	March 10, "	Sydnor & Bone,			775
134	July 31, "	J. C. & S. R. Smith,			525
					17,990
			4— <i>Sheet Iron.</i>		1,741
28	Jan. 26, "	Rice & Nichols,			
			5— <i>Nails.</i>		
28	Jan. 26, "	Rice & Nichols,			

		Charles O. Johnson, 6—Tools.		
28	Jan. 26, 1849,	Rice & Nichols—1 34 In. Bellows, 25.50;		
		1 Anville, 175 lbs,		14
		1 Screw Plate, 6.50; 3 Hammers, 18 lbs.		14
		1 Vise, 43 lbs.,		14
40	Feb'y 6, "	Alexander McDonald, 1 Vise, 53 lbs.,		25
47	March 1, "	Sydnor & Bone, 1 Cross-cut Saw,		
43	Feb'y 13, "	Rice & Nichols, 2 Double Iron Planes,		
		Smooth, Jack, and Fore,	\$7 50	
		8 Augers,	2 46	
		7 Chizles, 4.90; 7 C. S. Gouges, 2.35,	7 25	
		1 Set G. S. Chizles, 2.50; 1 Iron		
		Brace, (30 bits) 6.50,	9 00	
		1 doz. Nail Gimbles, 50; 1 doz Spike		
		Gimbles, 1.00,	2 1 50	
		1 doz. Tennon Saws, \$15 $\frac{1}{2}$,	1 13	
17	Nov. 9, 1848,	T. & S. Gibbs, 1 Spade, 1.00; 4 Long		
		Handle Shovels, 1.00,	5 00	
		2 Hoes, 60 & 75,	1 35	
		" "	14 23	
		" " " "	32 403	
		" " " "	1 200	
6—Tools.				LEEL

7.—Lumber.				FEET.
7	Oct. 3, 1848,	John Randolph, sawed oak,	\$60 00	1,500
70	April 21, '49,	" sawed pine,	627 09	28,462
118	June 30, "	" "	14 59	773
			<hr/>	
27	Jan. 26, "	Robert D. Harris, hewn pine,		7,020 1/2
48	March 10, '49,	William Viser, sawed pine,		19,188
95	June 7, "	Sasser & Wisdom, " pine & oak,		1,545
				<hr/>
			Feet,	58,488 1/2

8.—Brick Masons.				
38	Jan. 1, 1848,	E. H. Allen,	\$8 00	1 32
54	March 10, "	"	12 50	3 40
92	May 31, "	"	132 12	31 20
123	July 2, "	"	58 75	
129	" 31, "	"	46 25	
147	Aug. 24, "	"	36 25	
			<hr/>	
50	March 10, "	Thomas Routt,		14 1/2
51	" "	Rufus K. Gordon,		14
52	" "	John Stamps,		11 1/2
53	" 30, '49,	Charles O. Johnson,	16 25	
75	April 30, "	"	69 38	
110	June 5, "	"	65 00	

120	July 2, 1848,	Charles O. Johnson,	51 25
128	" 31, "	"	38 75
148	Aug. 24, "	"	31 25
<hr/>			
56	March 10, '49,	Samuel A. Jones,	18 52
74	April 30, "	"	68 13
83	May 25, "	"	48 75
<hr/>			
158	March 10, "	James Gillespie,	10 00
184	May 25, "	"	116, 87
<hr/>			
114	June 9, "	Abednago Adams,	26 75
121	July 2, "	"	41 25
127	" 31, "	"	46 25
149	Aug. 24, "	"	35 00
<hr/>			
115	June 9, "	James M. Warren,	26 75
122	July 2, "	"	41 25
131	" 31, "	"	46 25
150	Aug. 24, "	"	33 75
<hr/>			
35	1840 30 "	Stephen Johnson,	57 00
<hr/>			
107	1840 30 "	"	137 33 1/2
20	1840 30 "	"	331 00
46	1840 30 "	"	337 00
<hr/>			
155	Sept. 3, "	J. M. Alexander,	57 00

9.—*Carpenters.*

41	Feb. 19, 1849,	William M. Barrett, Master,	234 00
96	June 2, "	" "	231 00
164	Sept. 17, "	" "	136 22
			<hr/>
32	Jan. 30, "	Stephen Johnson,	66 00
66	April 6, "	" "	48 75
109	June 5, "	" "	75 75
152	Aug. 28, "	" "	78 25
			<hr/>

10.—*Black Smiths.*

42	Jan. 7, 1849,	George W. Buys,	120 00
103	June 4, "	" "	274 62
138	Aug. 7, "	" "	148 07
			<hr/>
136	June 9, "	Francis L. Cabinis, striker,	7 50
117	" 30, "	" "	15 73
			<hr/>
131	July 31, "	John H. Jergins,	33 00
162	Sept. 17, "	" "	4 00
			<hr/>

11.—Laborers.			
19	Dec. 12, 1848,	John Branch, Negro hire,	42 20
107	June 5, 1849,	" " "	23 77
<hr/>			
20	Dec. 12, 1848,	Albert G. Teas, Negro hire,	25 26
108	June 5, 1849,	" " "	123 04
124	July 2, "	" " "	22 50
157	Sept. 17, "	" " "	67 10
<hr/>			
21	Dec. 12, 1848,	John C. Ransom, "	21 00
46	Feb. 19, 1849,	" " "	20 80
<hr/>			
22	Dec. 12, 1848,	William A. Leigh, "	21 61
105	June 5, 1849,	" " "	17 95
<hr/>			
52	March 10, "	John Stamps, "	
79	May 4, "	John Moore,	
106	June 5, "	J. Carroll Smith, Negro hire,	39 03
134	July 31, "	J. C. & S. R. Smith, "	27 12
164	Sept. 30, "	J. Carroll Smith, "	16 00
<hr/>			
112	June 5, "	A. H. Cook, Negro hire, &c.	166 94
163	Sept. 30, "	" " "	117 89
<hr/>			
125	July 2, "	Mrs. — Lea, "	
155	Sept. 8, "	J. M. Alexander, Negro hire,	

12.—Freights.			LES.
9	Oct. 9, 1848,	J. C. Smoot, from Houston,	7,200
11	Nov. 10, "	Alfred L. Brigance, from Houston,	3,728
12	" "	A. D. Kenard, "	5,375
24	Jan. 8, 1849,	Walter Murray, "	1,540
"	" "	Joel Walker, "	293
"	" "	James M. Daniels, "	85
"	" "	French J. Greenwood, "	6,051
"	" "	Nathan S. Tabor, "	2,660
"	" "	Malcomb Johnson, "	863
25	Jan. 5, 1849,	James T. Patison, "	6,622
43	Feb. 13, "	Rice & Nichols, tools, freight, } insurance, &c. to Houston, } package,	85
62	April 2, "	Joseph W. Green, from Cincinnati,	12,009
63	" 4, "	James King, "	5,372
64	" " "	James T. Christmas, "	2,635
65	" " "	James Paul, "	2,171
69	" " "	John Jutson, "	3,850
76	" " "	Steamer Reliance, from Galveston,	39,319
85	May 26, "	Steamer Galveston, "	46,200
87	" 31, "	Sam'l Hill, from Cincinnati,	7,854
88	" " "	James Morris, "	7,854
89	" " "	John Gray, "	2,772
90	" " "	James T. Christmas, from Cincinnati,	5,544
93	June 1, "	Alexander Calloway, "	5,315
95	" 2, "	Sasser & Wisdom, "	13,696
98	" 1, "	James King, "	6,006

135	Aug. 2, "	Sydnor & Bone, from Galveston, } wharf and drayage,	
156	Sept. 13, "	Nathan S. Tabor, from Houston,	3,080
			<hr/> 198,179

13.—*Books and Stationery.*

B. 5 Oct. 7, 1848, Rice & Nichols,

14.—*Office Furniture.*

6 Nov. 3, 1848, Absalom A. Moore,
15 Dec. 9, " Fuller & Jones,

15.—*Office Rent.*

10	Nov. 9, 1848,	Raleigh Rogers,	
35	Jan. 31, 1849,	"	8 60
104	June 4, "	"	33 21
160	Sept. 17, "	"	33 33

16.—*Officers.*

23	Dec. 12, 1848,	A. H. Cook, Supt.,	250 00
111	June 6, 1849,	"	583 33
162	Sept. 29, "	"	319 43
			<hr/>
115	Oct. 5, 1848,	John M'Creary, Ast. Supt.,	12 22
134	Jan. 30, '49,	M. C. Rogers, Ast. Supt.,	44 44
161	April 2, "	"	100 00
194	June 2, '49,	"	66 67

119	July 2, 1849,	M. C. Rogers, Ast. Supt,	33 33
126	" 31, "	" "	33 33
151	Aug. 28, "	" "	29 04
171	Sept. 29, "	" "	15 55
			<hr/>
8	Nov. 3, 1848,	M. C. Rogers, Director,	15 00
24	Dec. 12, "	James M. Maxcy, Director,	45 00
68	April 2, "	" "	27 00
172	Sept. 29, "	" "	<hr/>
59	March 10, '49,	Thomas G. Birdwell, Director,	33 33
136	Aug. 2, "	" "	29 67
173	Sept. 29, "	" "	6 00
			<hr/>

12.—Miscellaneous.

NO. OF DRAFT	DATE OF ISSUE.	TO WHOM ISSUED.	AMT.	TOTAL.
1	Oct. 2, 1848,	John Branch & } A. G. Teas, }	\$120 00	
2	" " "	Glover W. Banton,	228 00	
3	" 7, "	F. Hatch,	50 00	
4	" " "	William D. Lehr,	200 00	
13	Dec. 8, "	John Branch & } Albert G. Teas, }	124 34	
14	" " "	John A. Fox,	8 50	
16	" 9, "	J. C. & S. R. Smith,	6 62	
17	" " "	T. & S. Gibbs,	3 80	
18	" 12, "	A. H. Cook,	68 58	
24	Jan. 8, 1849,	Robert Smither,	2 00	
26	" 11, "	M. C. Rogers,	19 20	
28	" 26, "	Rice & Nichols,	67 54	
37	Feb. 1, "	Philip Yoas,	65 75	
39	" 6, "	T. & S. Gibbs,	3 50	
41	" " "	J. D. W. Creath,	2 50	
47	March 10, '49,	Sydnor & Bone,	5 50	
53	" " "	B. S. Wilson,	18 00	
57	" " "	A. H. Cook,	30 75	
60	" 30, "	Close & Adams,	31 90	
67	April 6, "	James Morris,	8 00	
68	" " "	James M. Maxey,	18 00	
73	" 24, "	Hatch & Oxbury,	40 00	
78	May 1, "	George W. Grant,	11 25	
80	" 18, "	G. W. & W. L. Rogers,	22 17	
91	" 31, "	Joshua Brooks,	10 00	
112	June 6, "	A. H. Cook,	16 15	
119	July 2, "	M. C. Rogers,	1 10	
132	" 31, "	T. & S. Gibbs,	49 72	
133	" " "	G. W. & W. L. Rogers,	23 35	
134	" " "	J. C. & S. R. Smith,	1 55	
146	Aug. 21, "	B. S. Wilson,	1 55	
158	Sept. 17, "	Barrett & Simons,	27 85	
159	" " "	Rice & Nichols,	304 74	
163	" 30, "	A. H. Cook,	79 54	

Amount, \$1,671 58 \$18,616 06

RECAPITULATION OF EXPENDITURES.

1.—Materials.

1. Brick,	\$5,772 17	
2. Lime,	1,665 99	
3. Bar Iron,	1,038 96	
4. Sheet Iron,	108 81	
5. Nails,	60 50	
6. Tools,	120 40	
7. Lumber—pine and oak,	1,684 48	
8. Books and Stationery,	74 50	
9. Freights,	1,030 11	
10. Miscellaneous,	1,671 58	13,227 50

2.—Labor.

1. Brick Masons,	1,226 43	
2. Carpenters,	869 97	
3. Black Smiths,	602 82	
4. Laborers,	864 30	3,563 52

3.—Other Objects.

1. Office Furniture,	57 48	
2. Office Rent,	58 67	
3. Officers,	1,708 89	1,825 04

Amount, \$18,616 06

HUNTSVILLE, TEXAS, }

October 1st, 1849. }

I, Abner H. Cook, Superintendent and Clerk of the Texas Penitentiary, do certify, that the foregoing statement of the objects of expenditure and payments for the use of the Penitentiary, is correct.

A. H. COOK.

Approved:

H. YOAKUM,

J. M. MAXCY,

T. G. BIRDWELL,

Directors.

III. STATEMENT

*Of Property, Materials, and Tools, on hand, and belonging
to the Texas Penitentiary, on the 30th Sept., 1849.*

No.		1.—Materials.	
1.	Brick,		250,000
2.	Lime,	bbls.	175
3.	Nails,	kegs,	10
4.	White Lead,	"	19
5.	Painter's Oil,	galls.,	25
6.	Roofing Tin,	boxes,	27
7.	"	in transitu and not paid for,	13
8.	14 bundles Sheet Iron,	lbs.,	1,741
9.	Hewn Pine Lumber,	feet,	1,233
10.	Sawed " "	"	35,515
11.	Prepared " flooring,	"	5,000
12.	Sills and Lintals of cut stone, lineal feet,		121
13.	20 Grated Frames for front windows, and False Venitian Blinds for same.		
14.	18 Frames and Grates for back windows.		

2.—Property and Tools.

1. 98 acres of Land.
2. 1 Set Blacksmith Tools.
3. 1 Set Carpenters Tools.
4. 2 Hoes, 4 Shovels, 2 Spades, 4 Mattocks, 2 Wheel Barrows,
2 Cots, 1 Clock, and 1 Bell; 1 large Iron Sieve, 29 Balls
and Chains, 2 Ladders.
5. Office Furniture, Office Books and Stationery.

I certify the above to be correct.

A. H. COOK, *Supt.*

Approved:

H. YOAKUM,
J. M. MAXCY,
T. G. BIRDWELL, } *Directors.*

To the Directors of the Texas Penitentiary :

In accordance with the law establishing the State Penitentiary, I present you below with an estimate of the ordinary expenses of the Penitentiary for the next two years ; and also of the expenses necessary to be incurred in the erection of the building you propose.

Brick,	\$7,000 00
Brick Masons,	2,000 00
Carpenters,	1,200 00
Line,	2,000 00
Guards,	960 00
Roofing with Tin,	1,000 00
Lumber,	700 00
Board, Clothing &c., of Convicts,	2,000 00
Officers,	3,000 00
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Total	\$19,860 00

The estimate of ordinary expenses is quite uncertain, and will depend on the number of convicts received. The building estimate is based on the supposition that the east prison and centre front building will be erected during the next two years.

Respectfully,

Your ob't serv't,

A. H. COOK, *Supt.*

Huntsville, Texas, Oct. 1, 1849.

On motion of Mr. Gage the Senate returned to their chamber.

Mr. Gage moved that the committee on Printing and Contingent Expenses act in conjunction with a like committee on the part of the House of Representatives in contracting for the printing of 1500 copies of the Governor's Message and such of the accompanying documents as they may deem proper to have printed.

Mr. Cooke presented the petition of Albert von Ger Mar, praying for a donation of land, which was read, and, on motion of Mr. Cooke, referred to the committee on Public Lands.

Mr. Taylor offered the following resolution:

Resolved, That the committee on Contingent Expenses be instructed to contract for copies of each publication of the Texas State Gazette, a newspaper published at the City of Austin, for the use of the Senate during the session.

On motion of Mr. Gage, the resolution was laid on the table one day.

Mr. Brashear introduced a bill to be entitled an act for the relief of Frederick Seranton; read 1st time.

Mr. Van Derlip offered the following resolution:

Resolved, That the portion of the Governor's Message relating to the proposed amendments to the Constitution, be referred to the Judiciary committee with instructions to report a bill to adopt said amendments, and attach the same to the Constitution of the State, which was, on motion of Mr. Robertson, laid on the table for one day.

Mr. Robertson offered the following resolution:

Resolved, That the President of the Senate appoint a standing committee on Federal Relations, which was, on motion of Mr. Brashear, laid on the table for one day.

Mr. Parris offered the following resolution:

Resolved, That the officers of the Senate be required to furnish any of the editors of the newspapers in Texas with the usual facilities within the bar of the Senate; adopted.

On motion of Mr. Brashear, the Senate adjourned until 10 o'clock, to-morrow morning.